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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

VERNON UNSWORTH,

Plaintiff,

vs.

ELON MUSK,

Defendant.

Case No. 2:18-cv-08048

Judge: Hon. Stephen V. Wilson

**DECLARATION OF MICHAEL T.
LIFRAK IN SUPPORT OF
DEFENDANT'S MOTION IN
LIMINE NO 4 TO EXCLUDE THE
EXPERT OPINION OF ERIC W.
ROSE**

Complaint Filed: September 17, 2018
Trial Date: December 2, 2019

Hearing Date: November 25, 2019
Time: 3:00 p.m.
Courtroom: 10A

1 **I, Michael T. Lifrak, declare as follows:**

2 1. I am a member of the bar of the State of California and a partner at
3 Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for Defendant Elon Musk. I
4 make this declaration of personal, firsthand knowledge, and if called and sworn as a
5 witness, I could and would testify competently thereto.

6 2. I submit this declaration in support of Mr. Musk's Motion in Limine
7 No. 4 to Exclude the Expert Opinion of Eric W. Rose.

8 3. Attached hereto as **Exhibit 1** is a true and correct copy of the Expert
9 Report of Eric W. Rose, served on Defendant on September 13, 2019.

10 4. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from
11 the November 1, 2019 deposition of Eric W. Rose in this case.

12 5. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from
13 the August 14, 2019 deposition of Vernon Unsworth in this case.

14 6. Attached hereto as **Exhibit 4** is a true and correct copy of the September
15 26, 2019 Subpoena to Produce Documents, Information, or Objects or to Permit
16 Inspection of Premises in a Civil Action to Eric W. Rose.

17 7. Attached hereto as **Exhibit 5** is a true and correct copy of BuzzFeed
18 News' Standards and Ethics Guide in effect on August 30, 2018 and September
19 4, 2018, produced as BuzzFeed002-1-10.

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EXHIBIT 1



To: L. Lin Wood and Jonathan Grunberg

From: Eric W. Rose

Re: Vernon Unsworth v. Elon Musk

This report has been prepared in connection with the proceeding referenced herein and is intended for no other use.

Qualifications

My name is Eric W. Rose. I am a Partner at Englander Knabe & Allen (“EKA”), the largest independent public affairs agency in Los Angeles County. Our firm has a national reputation for excellence in public affairs, crisis communications, and management of complex litigation communications matters. I practice my trade at the intersection of law, media, and public perception. These areas of trade allow me to bring a depth of critical understanding and a breadth of resources and experience that are unique in the public relations field. My report, in this case, is based on my communication and crisis experience amassed from over thirty years in both the public and private sector.

My experience includes working with elected officials, government organizations, corporations of varying size, and celebrities to provide reputation management, media relations, and crisis services. I work with the media daily on behalf of my clients. I have assisted various clients with everything from urgent crises to social media and reputation issues. During these engagements, I have often been asked to assist clients develop and implement effective strategies to repair existing damage or help rehabilitate reputations. I have also provided reputation counsel and related services to clients in a broad range of businesses, professional fields, industries, as well as nonprofit and government entities.

Since being court-qualified as an expert witness for Courtney Love in the first case of an individual in the U.S. to go to trial over an allegedly defamatory tweet, I have been retained to serve as an expert witness in other defamation cases. My experience is detailed in my Curriculum Vitae (“CV”). I am often asked to provide an opinion to determine if a person’s

reputation was damaged and if so, how that person can repair his or her reputation/credibility and the costs associated. I have also been retained to provide analysis and offer my opinion regarding corporate communications, which sometimes involves assisting in a company's handling of a crisis after a product recall. I have served as an expert witness for both defendants and plaintiffs.

I have amassed a significant amount of experience and expertise in aiding and counseling individuals, businesses, and entities that were in trouble, conflict or have been harmed by communications that damaged their name, goodwill, image, reputation, brand, etc. For over a decade, clients have sought me out as an expert source and analyst for mass media on issues relating to crisis communications and damage to image or reputation. My CV provides additional details on my background and qualifications. My CV also lists cases in which I have testified as an expert at trial or by deposition within the preceding five years.

Assignment

The L. Lin Wood law firm retained me to provide my expert opinion and analysis in connection with litigation brought against the defendant. The law firm is paying my firm, Englander Knabe & Allen, \$600.00 per hour for my work on this report. My compensation is not dependent upon the content of the opinions provided in this report or any subsequent expert testimony that I may offer.

I have been retained to address reputation repair for *Vernon Unsworth* as a result of the dissemination of false information. I was asked to provide an analysis, offer my opinion, and examine the potential impact and damage to *Vernon Unsworth's reputation* arising from defamation. Based on my experience providing counsel to individuals and companies as detailed in my CV, I was also asked to provide recommendations that Vernon Unsworth should pursue to recover his reputation.

In keeping our agreement upon the scope of work, my analysis of the situation is from a media, crisis management, and reputation recovery point of view. I will not be providing a comprehensive look at the legal issues that may exist in this case since I am not an attorney. While I may use legal terms, the opinions in this report should not be considered legal conclusions or arguments.

In this report, I will discuss the impact, effects, ramifications, and negative consequences resulting in damage to the plaintiff. I will also provide the estimated cost to repair the damage to Mr. Unsworth's reputation.

I have no direct financial interest in the outcome of this matter. This report describes my work to date and summarizes my findings, opinions, and conclusions. I may update my views and conclusions if presented with new and different information before my testimony.

I conducted my analysis with the intent to be fair-minded. All of us have biases, but I know from experience working with numerous clients facing reputational issues that I must set them aside in favor of an approach that is objective. I examine facts and provide my opinion based on those facts and my extensive experience working on reputational issues.

Research & Review

My opinions are based on my reliance on the accuracy and authenticity of the evidence I have been provided, by my review of documents, independent research, and my years of experience helping companies and individuals deal with reputational issues. I have reviewed the complaint and other materials (see list below) in the previously mentioned method with particular attention to the reputational damage to the plaintiff. In connection with my preparation for this report, I reviewed the following documents:

- Complaint filed in Federal Court; and
- Excel Spreadsheet of links from Jim Jansen;
- The material hyperlinked or embedded herein; and
- Numerous media publications and/or links thereto, including internet news media, television, social media posts, videos, podcasts, and blogs. (See Exhibit A).

The materials listed above, as well as the information detailed in my report, formed the basis for the findings, conclusions, and opinions I offer in this report.

Overview of Complaint

On June 28, 2018, a soccer team compiled of twelve Thai boys (the “Boys”) and their coach, entered the Tham Luang cave (“Cave System”). They became trapped in the cave system until July 8-10th which resulted in a worldwide rescue effort by an international team of divers, cavers, and other rescuers.

Vernon Unsworth was already in Thailand and possessed firsthand knowledge of the Cave System from previous surveys he had conducted of the passageway. The day the boys became trapped in the cave system, Mr. Unsworth received telephone calls regarding the missing boys and was the first foreign rescuer to arrive at the cave system. He knew that the boys would not make it out alive without world-class divers.

As the world anxiously watched the plight of these young boys and their coach, Mr. Musk offered to build a mini-submarine – a metallic tube with several protruding parts (the “Tube”) that he claimed could transport the victims out of the Cave System.

Meanwhile, the rescuers began extracting the Boys from the Cave on July 8 and continued until the final five boys were rescued on July 10. Because of the severe weather, the rescuers knew they must work quickly.

Mr. Musk and his team built the Tube, and Mr. Musk delivered it to Thailand on or about the night of July 9, 2018, or the morning of July 10, 2018. At this time, 8 out of the 12 boys had already been rescued and the final two were saved on July 10th.

On July 13, 2018, CNN requested an interview with Mr. Unsworth. When asked what he thought of the Tube Mr. Musk brought to help with the rescue, Mr. Unsworth stated, among other things,

that Musk's Tube was a "PR stunt," and that the Tube "had absolutely no chance of working." Mr. Unsworth added that Mr. Musk "had no conception of what the cave passage was like," adding that "[Musk] can stick his submarine where it hurts."

Musk embarked on a PR campaign to destroy Mr. Unsworth's reputation by publishing false and heinous accusations of criminality against him to the public. After the CNN interview, on July 15, 2018, Mr. Musk published the following tweet about Mr. Unsworth from his Twitter account to his approximately twenty-two million, five hundred thousand followers:

Never saw this British expat guy who lives in Thailand (sus) at any point when we were in the caves. Only people in sight were the Thai navy/army guys, who were great. Thai navy seals escorted us in – total opposite of wanting us to leave.

On July 15, 2018, Mr. Musk subsequently published a second tweet from his Twitter account about Mr. Unsworth:

Water level was actually very low & still (not flowing) – you could literally have swum to Cave 5 with no gear, which is obv how the kids got in. If not true, then I challenge this dude to show final rescue video. Huge credit to pump & generator team. Unsung heroes here.

On July 15, 2018, Mr. Musk subsequently published a third tweet from his Twitter account about Mr. Unsworth:

You know what, don't bother showing the video. We will make one of the mini-sub/pod going all the way to Cave 5 no problemo. Sorry pedo guy, you really did ask for it.

When offered an opportunity on Twitter to clarify what evidence he possessed to support his accusation of pedophilia against Mr. Unsworth, Musk confirmed that he intended his accusation literally when he replied in a fourth July 15 tweet from his Twitter account saying, "Bet ya a signed dollar it's true."

Later, on July 18, 2018, Musk deleted his previous accusatory tweets and issued a lack-luster statement:

As this well-written article suggests, my words were spoken in anger after Mr. Unsworth said several untruths & suggested I engage in a sexual act with the min-sub, which had been built as an act of kindness & according to specifications from the dive team leader.

Nonetheless, his actions against me do not justify my actions against him, and for that I apologize to Mr. Unsworth and to the companies I represent as leader. The fault is mine and mine alone.

Then, on August 28, 2018, Mr. Musk tweeted that he found it odd Mr. Unsworth did not sue him for his previous remarks, insinuating that he must be guilty. Then, in [an e-mail sent directly to a reporter at BuzzFeed News](#), Musk confirmed his earlier accusations of pedophilia and published

new false and defamatory allegations against Mr. Unsworth, including that Mr. Unsworth was a “child rapist” and had taken “a child bride who was about 12 years old at the time.” Musk claimed that these new accusations were “off the record” but because the reporter had not agreed to before the statements, it was not.

Media Coverage

There were a massive number of news stories in connection with Mr. Musk’s statements and/or this case, including internet news media, television, social media posts, videos, and blogs. I reviewed over 100 of the news stories about Mr. Musk’s statements and/or this case that are available online. I watched videos and podcasts about this case and examined Tweets and Facebook posts. (See Exhibit A)

Contact with the Media

A significant portion of my practice and prior experience involves communicating with journalists who are reporting or seeking to report on my clients. Having interacted with journalists and news organizations for three decades, I am familiar with how news organizations work. I often work with clients to make sure that they know the difference between “on the record,” “background,” “deep background,” and “off the record” before they have any contact with a reporter. More information about this issue can be found in an article I co-wrote titled [The ABCs of Source Attribution – and Tips on Negotiating it](#). (See Exhibit B)

In the emails with Ryan Mac from BuzzFeed, which [Mr. Musk Labeled "off the record"](#), Musk stated Mr. Unsworth was “an old, single white guy from England who’s been traveling to or living in Thailand for 30 to 40 years, mostly Pattaya Beach, until moving to Chiang Rai for a child bride who was about 12 years old at the time.” He suggested Pattaya and Chiang Rai were hotspots of the child sex industry and added: “I f***ing hope he sues me.”

Mr. Musk has been in the public spotlight for years, has been the CEO of several companies, and has had countless interactions with the media. Mr. Musk knows or should have known the rules regarding interactions with a reporter and that both parties must come to an agreement about how information is going to be used and sourced. Based on my experience working with executives who interact with the media, I find it difficult to believe that Mr. Musk does not know how “off the record works” when dealing with a journalist. Furthermore, his emails to BuzzFeed News which were made public and reported on belies the sincerity of his July 18, 2018 “apology” tweet and establish that his previous public tweets and statements reflect how he wanted the public to view Mr. Unsworth.

Elon Musk’s Credibility

Years ago, the brokerage firm E.F. Hutton ran a series of television commercials that ended with the tag line, “When E.F. Hutton talks, people listen.” Much like famous E.F. Hutton commercials, when Elon Musk talks, people listen. His influence over the public is presented below.

Mr. Musk's impact is so significant that in September 2018, the Securities and Exchange Commission (SEC) charged Elon Musk with securities fraud for a series of false and misleading tweets about a potential transaction to take Tesla private. In [one tweet](#), Musk claimed that he was considering taking Tesla private at \$420 and that the funding was secured. In a [second tweet](#), Musk stated, "Shareholders could either to sell at 420 or hold shares & go private." The price of \$420 a share would have been a substantial premium to its trading price on August 7, 2018.



Most of this was untrue. An SEC investigation confirmed that Mr. Musk and Tesla had held discussions with investors to go private but had no plan for how to do so or at what price.

As detailed in an [SEC press release](#), the SEC concluded that the original tweet, as well as the subsequent public statements, were "false and misleading." The SEC noted that due to his influence via social media, Musk's misleading tweets caused Tesla's stock price to jump over six percent on August 7, 2018, leading to significant market disruption. Stephanie Avakian, Co-Director of the SEC's Enforcement Division, said "taking care to provide truthful and accurate information is among a CEO's most critical obligations. That standard applies with equal force when the communications are made via social media or another non-traditional form." The SEC lawsuit was settled shortly after Mr. Musk was charged. In the settlement, Mr. Musk agreed to several conditions, including not to make public statements that could affect Tesla's stock price.

Nevertheless, after the settlement, Musk published [a tweet](#) about Tesla in February 2019: “Tesla made 0 cars in 2011 but will make around 500k in 2019.” The SEC claimed that this was neither an approved nor accurate statement to be given to the public, and the [SEC asked](#) the court to hold Musk in contempt for violating the previous settlement agreement. The reasoning behind the SEC’s action remained that Musk’s tweets can influence people and change markets. The judge presiding over the case [approved a settlement](#) Musk and the SEC reached. The new agreement clarified the previous settlement stating Musk must get approval before: Any information about Tesla’s financial condition; Potential or proposed mergers; Production numbers or sales or delivery numbers; New or proposed business line is tweeted; or Nonpublic legal or regulatory findings or decisions. Tesla may also add to this list if they believe it would protect the interest of shareholders.

Mr. Musk must be well aware of the power of his words when used on Twitter; ironically, the allegations he made against Mr. Unsworth occurred in the same time frame as the SEC was holding him accountable for his use of Twitter.

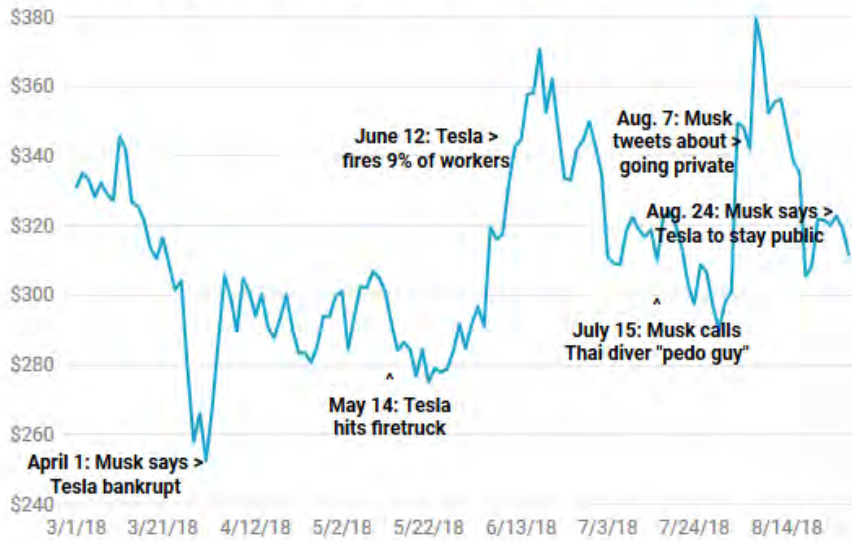
Elon Musk’s Influence

Elon Musk is a high profile executive with large spheres of influence. Mr. Musk is highly intelligent and has held a multitude of titles and positions in major companies:

- Founder, CEO, Lead Designer – SpaceX
- CEO, Product Architect – Tesla, Inc.
- Co-founder, CEO – Neuralink
- Founder – The Boring Company
- Co-founder – Zip2
- Founder – X.com (now PayPal)
- Co-founder – OpenAI
- Chairman – SolarCity

When people think of Elon Musk, “genius” comes to mind. He’s a proven savvy investor who has delivered results and who has a tremendous amount of public credibility. As a result, when Mr. Musk comments, his followers listen. All 28.2 million of them (on Twitter). Below is a chart from an [October 2018](#) story that illustrates how Tesla’s stock is impacted by Mr. Musk’s tweets:

Tesla Stock Moves on Musk's Tweets



A [Wired magazine](#) story details how Mr. Musk can move markets with his Tweets.

For instance, when Musk made [the tweet about taking the company private](#) it took the stock up 10%. Likewise, when he tweeted that [Tesla went Bankrupt](#) on April Fool's Day in 2018, the company stock fell by 7%.

However, unlike some of his "one-off" earlier tweets that might be considered an [attempt at humor](#), in the Unsworth case, the initial tweet and the continued attacks that Musk made via other public comments demonstrate to the public that this was not idle or harmless banter. Through his continued public statements against Mr. Unsworth, Mr. Musk demonstrated to those who heard his words that he wanted Mr. Unsworth to be viewed as a pedophile. As Mr. Musk said in [another Tweet](#), "Some people use their hair to express themselves. I use Twitter."

With an estimated net worth of [\\$19.7 Billion as of September 2019](#), Mr. Musk has garnered a large social media following where people admire, respect and listen to Mr. Musk. Simply, put what Musk says and does influence people.

Mr. Musk also holds a large amount of support from his fans because of his status and his “Wall Street bad boy” persona. This has been demonstrated by his “fan” reaction to negative stories about him. For example, in May 2018, Erin Biba (a journalist) was negatively responded to by Musk. This response prompted [Musk fans to harass her on Twitter](#), via email, and comment on her Instagram pictures. Rightly or wrongly, Musk has a massive following, is highly visible, and his word matters to many of his supporters.

With a well-established public persona and following, Elon Musk is a public figure with a unique ability to influence what the public believes, and a certain amount of credibility attached to his words. Having this credibility, it is especially harmful when Musk makes statements that are irrespective to whether it is believed to be accurate.

See Appendix for referenced SEC Media Coverage.

Vernon Unsworth

Vernon Unsworth is a British financial broker who splits his time between the UK and Thailand. Mr. Unsworth is also an accomplished caver who advised on the Thailand cave rescue. He is not a public figure like Mr. Musk. Mr. Unsworth has a long-time partner who has told reporters that she has been with Mr. Unsworth for more than seven years and that she has posted countless photos about their relationship on social media for several years.

Regularly I work with Five Blocks when my clients have digital reputation issues. Five Blocks is a digital consulting and technology firm focused on reputation management. As detailed on their [website](#), they work with corporations and high-profile individuals who want to build, promote, and defend their reputations. At my request, I asked them to provide me with screen captures of the current online reputation for Vernon Unsworth. The unfavorable pages are highlighted in **red**, while favorable results are highlighted in **green**. Neutral results are in gray.

I asked Five Blocks to provide me with the screen grabs because they have a network of hundreds of proxy computers situated around the United States and the world that enable them to capture accurate screenshots of search results that one would only see if they searched a particular keyword from a specific geographic location. I used this data to compare the local results by country and language.

The screenshots below show the way that Google displayed each search result in various locations. Many people are unaware that Google Search is customized countries and regions around the world. For example, if you do a Google search in England for Vernon Unsworth, you will get different results if you searched the same term in the United States.

I asked Five Blocks to use a tool they have and that I am familiar with called IMPACT to mark negative-leaning stories in red, and positive stories in green. The screenshots that they provided can be seen below. IMPACT can view over 100 different locations and various languages.

I use IMPACT with several clients and believe that IMPACT or a similar system should be used when Mr. Unsworth starts his repair program. It will allow him and those assisting Mr. Unsworth to see the results on an ongoing basis. As seen below, IMPACT enables the user to visualize location results within an easy-to-read table, and the tool will be very important to monitor and adjust how the expected rebuilding/cleanup process goes. As the reputation repair program progresses, I would

expect the largely red table to transform more and more into green indicating that Vernon Unsworth's online reputation is being rehabilitated through the introduction of relevant, positive, owned content, as well as by utilizing all of the opportunities available to the digital reputation specialists Mr. Unsworth retains.

This exercise can be performed for all locations individually, and different results will typically appear based on location and language. Each column represents a single location; for example, the leftmost column shows that in Berlin searches for Vernon Unsworth yielded seven negative page one results in addition to two neutral results and a line of images. That same day, London showed at least two. The reports below were created in May 2019. The software does not have the ability to go back at previous search results.

Google Page 1 results for “Vernon Unsworth” as seen in Los Angeles.

Google

Vernon Unsworth

All

News

Images

Videos

Maps


More


Settings


Tools


About 288,000 results (0.34 seconds)


Images for Vernon Unsworth











[More images for Vernon Unsworth](#)[Report images](#)

Elon Musk is going to trial for calling a cave diver a pedophile on ...

<https://www.theverge.com/.../elon-musk-vernon-unsworth-pedo-guy-tweets-defamatio...>

May 10, 2019 - A defamation case involving Tesla CEO Elon Musk and a British cave diver will go to trial on October 22nd, according to recent court filings. Vernon Unsworth sued Musk for defamation last year after Musk repeatedly accused Unsworth of being a pedophile. ... Unsworth, who helped with ...

Elon Musk to Cave Diver Vernon Unsworth in 'Pedo Guy' Suit: You ...

<https://www.thedailybeast.com/elon-musk-to-cave-diver-vernon-unsworth-in-pedo-gu...>

May 14, 2019 - Musk, the billionaire entrepreneur behind companies like Tesla and SpaceX, is currently embroiled in legal battle against Vernon Unsworth. ...

Vernon Unsworth 'Pedo Guy' Lawsuit: Elon Musk Keeps Tweeting ...

<https://www.thedailybeast.com/vernon-unsworth-pedo-guy-lawsuit-elon-musk-keeps-t...>

May 14, 2019 - Vernon Unsworth sued Musk for more than \$75,000 in compensation plus punitive damages after the entrepreneur baselessly called him "pedo" ...

Elon Musk claims US constitutional right to call Thai-cave hero Vernon ...

<https://www.scmp.com/News/Asia/Southeast Asia>

Elon Musk's lawyers say his comments about Vernon Unsworth were meant to be viewed as opinion, not fact. Unsworth, who took part in the rescue of ...

Elon Musk files to dismiss 'pedo' defamation lawsuit by British diver ...

<https://www.theguardian.com/.../elon-musk-pedo-diver-vernon-unsworth-defamation-la...>

Dec 27, 2018 - In a filing on Wednesday with the US district court in Los Angeles, Musk's lawyers said their client's comments about Vernon Unsworth were ...

Vernon Unsworth vs. Elon Musk defamation lawsuit - WashingtonPost

<https://apps.washingtonpost.com/g/documents/business/vernon-unsworth-vs.../3207/>

Vernon Unsworth, a Thai-cave rescue volunteer, sued Tesla chief executive Elon Musk for claiming that Unsworth is a "pedo" and "child rapist," ratcheting up the ...

Vernon Unsworth | The Irish Times

<https://www.irishtimes.com/topics/topics-7.1213540?article...Vernon+Unsworth>

Get up to date with the latest news and stories about the person Vernon Unsworth at The Irish Times. Breaking News at IrishTimes.com.

British diver Vernon Unsworth, who helped rescue Thai boys from a ...

https://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=12120646

Sep 6, 2018 - Elon Musk had accused Vernon Unsworth of being 'a paedo' during the rescue of 12 schoolboys from the Tham Luang Nang Non cave ...


Vernon Unsworth - latest news, breaking stories and comment - The ...

<https://www.independent.co.uk/topic/vernon-unsworth>


All the latest breaking news on Vernon Unsworth. Browse The Independent's complete collection of articles and commentary on Vernon Unsworth.

Related search


Elon Musk family




Talulah Riley



Justine Musk



Maye Musk



Errol Musk

Searches related to Vernon Unsworth

vernon unsworth wife

vernon unsworth child bride

vernon unsworth wikipedia

vernon unsworth age

vernon unsworth wife age

vernon unsworth reddit

vernon unsworth thailand

vernon unsworth twitter

Google Page 2 results for “Vernon Unsworth” as seen in Los Angeles

Google

Vernon Unsworth

All

News

Images

Videos

Maps

More

Settings

Tools

Page 2 of about 288,000 results (0.28 seconds)

Elon Musk to go to trial over 'pedo' tweet about British diver Vernon ...

<https://www.telegraph.co.uk/Technology/Intelligence/>

May 11, 2019 - ... rejected Musk's attempt to dismiss a defamation lawsuit filed by British diver **Vernon Unsworth**. Mr Musk called Mr Unsworth a "pedo" in a July ...

Musk's new lawyer fights 'pedo guy' defamation lawsuit claims ...

<https://techcrunch.com/.../musks-new-lawyer-fights-pedo-guy-defamation-lawsuit-clai...>

May 14, 2019 - In court documents filed Tuesday, Musk's new lawyer Alex Spiro of Quinn Emanuel questioned the motive of **Vernon Unsworth**, the British cave ...

Elon Musk has a better chance against Vernon Unsworth's lawsuit in ...

<https://qz.com/.../elon-musk-has-a-better-chance-against-vernon-unsworths-lawsuit-in-...>

Sep 18, 2018 - Elon Musk has called **Vernon Unsworth**, a British diver who advised on the Thailand cave rescue, a "pedo," a "child rapist," and a participant in ...

Elon Musk WILL face defamation lawsuit from Brit hero diver he ...

<https://www.thesun.co.uk/news/8955197/elon-musk-defamation-lawsuit-diver/>

Apr 28, 2019 - BILLIONAIRE Musk tried to get a lawsuit filed by Brit hero **Vernon Unsworth** thrown out of court - but his request was rejected by an LA judge on ...

Thai girlfriend, 40, of Vernon Unsworth dismisses Elon Musk's 'paedo ...

<https://www.thesun.co.uk/news/.../thai-girlfriend-vernon-unsworth-elon-musk-child-brid...>

Sep 5, 2018 - Thai girlfriend, 40, of **Vernon Unsworth** dismisses Elon Musk's 'paedo' claims as she slams rumours Brit cave drama hero has 12-year-old child ...

Vernon Unsworth v. Elon Musk, 2:18-cv-08048 - CourtListener.com

<https://www.courtlistener.com/docket/7887513/vernon-unsworth-v-elon-musk/>

Docket for **Vernon Unsworth v. Elon Musk**, 2:18-cv-08048 — Brought to you by the RECAP Initiative and Free Law Project, a non-profit dedicated to creating high ...

Twitter Moments on Twitter: "Vernon Unsworth, the diver who helped ...

<https://twitter.com/twittermoments/status/1041780589077118979?lang=en>

Vernon Unsworth, the diver who helped save 12 boys from a flooded cave in Thailand in July, has filed a defamation lawsuit against Tesla CEO Elon ...

Elon Musk Requests Defamation Suit Dismissal Over 'Schoolyard Spat ...

<https://www.forbes.com/.../elon-musk-requests-defamation-suit-dismissal-over-school...>

Dec 30, 2018 - Elon Musk has filed a motion to dismiss the defamation lawsuit over his tweet calling British caver **Vernon Unsworth** a pedophile.

Elon Musk faces trial over 'pedo' tweet - BBC News

<https://www.bbc.com/news/world-us-canada-48238576>

May 11, 2019 - Composite image of **Vernon Unsworth** and Elon Musk ... The Tesla boss called Mr Unsworth a "pedo" in a Twitter post after the Briton said Mr ...

Tesla CEO Elon Musk to face trial for calling cave rescue diver 'pedo ...

<https://www.businessinsider.com/tesla-ceo-elon-musk-faces-trial-for-pedo-insult-of-di...>

May 11, 2019 - Musk called **Vernon Unsworth** a "pedo" when the diver called the Tesla CEO's attempts to save the team a "PR stunt."

Searches related to Vernon Unsworth

vernon unsworth wife

vernon unsworth child bride

vernon unsworth wikipedia

vernon unsworth age

vernon unsworth wife age

vernon unsworth reddit

vernon unsworth thailand

vernon unsworth twitter

Google Page 1 results for “Vernon Unsworth” as seen in London

Google Vernon Unsworth

All News Images Videos Maps More Settings Tools

Page 2 of about 288,000 results (0.28 seconds)

Elon Musk to go to trial over 'pedo' tweet about British diver Vernon ...
<https://www.telegraph.co.uk> > Technology Intelligence
May 11, 2019 - ... rejected Musk's attempt to dismiss a defamation lawsuit filed by British diver **Vernon Unsworth**. Mr Musk called Mr Unsworth a "pedo" in a July ...

Musk's new lawyer fights 'pedo guy' defamation lawsuit claims ...
<https://techcrunch.com/>.../musks-new-lawyer-fights-pedo-guy-defamation-lawsuit-clai...
May 14, 2019 - In court documents filed Tuesday, Musk's new lawyer Alex Spiro of Quinn Emanuel questioned the motive of **Vernon Unsworth**, the British cave ...

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Sep 18, 2018 - Elon Musk has called **Vernon Unsworth**, a British diver who advised on the Thailand cave rescue, a "pedo," a "child rapist," and a participant in ...

Elon Musk WILL face defamation lawsuit from Brit hero diver he ...
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Twitter Moments on Twitter: "Vernon Unsworth, the diver who helped ...
<https://twitter.com/twittermoments/status/1041780589077118979?lang=en>
Vernon Unsworth, the diver who helped save 12 boys from a flooded cave in Thailand in July, has filed a defamation lawsuit against Tesla CEO Elon ...

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May 11, 2019 - Musk called **Vernon Unsworth** a "pedo" when the diver called the Tesla CEO's attempts to save the team a "PR stunt."

Searches related to Vernon Unsworth

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27 déc. 2018 - In a filing on Wednesday with the US district court in Los Angeles, Musk's lawyers said their client's comments about Vernon Unsworth were ...

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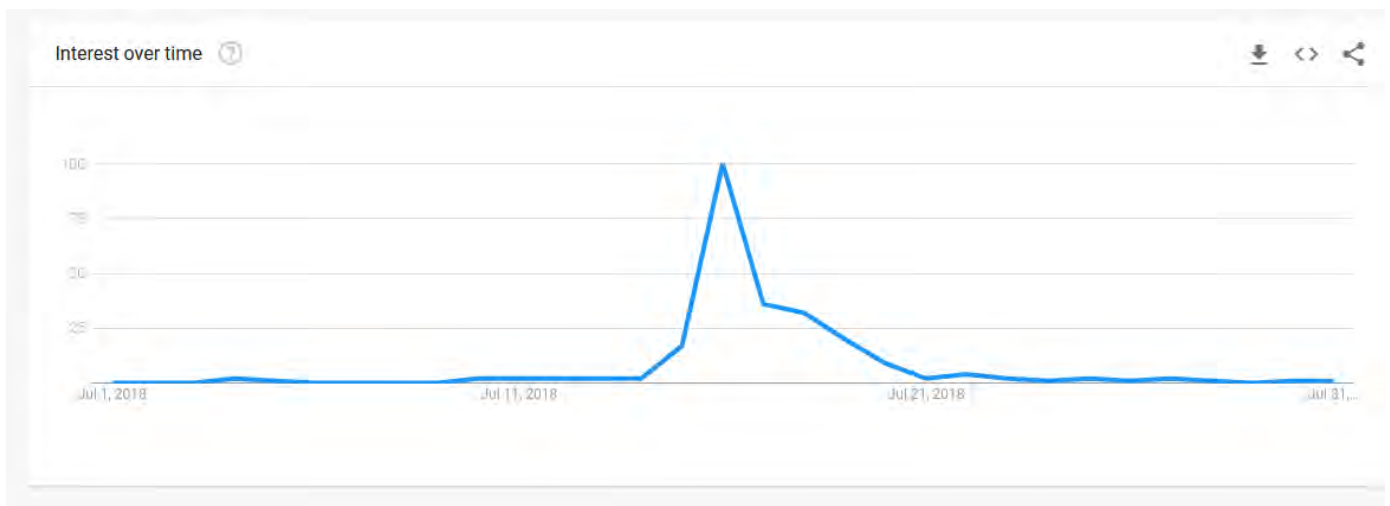
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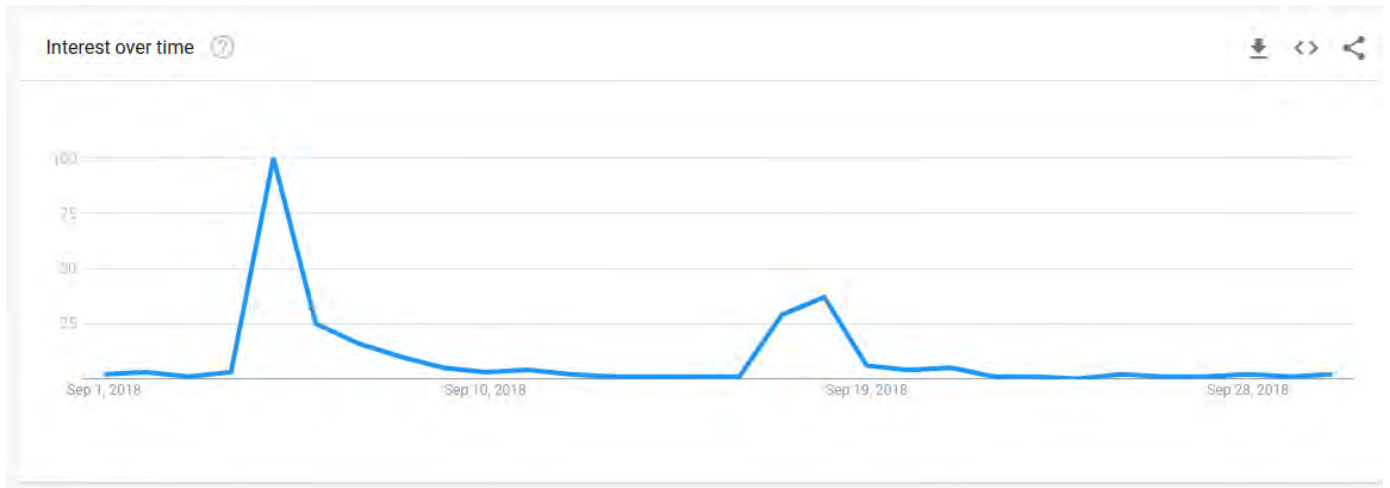
When examining the damage to a person or companies reputation, one tool to analyze coverage is [Google Trends](#). Google Trends shows what people are searching for on the internet. It can show:

- 1) The locations and languages where this person has family, friends, and business contacts.
- 2) It can show the places and languages worldwide for which there is the most significant number of searches. Google provides data on which countries saw relatively fewer or more searches of a topic. Some of the interest has come from non-obvious locations and in a variety of languages from Norwegian to Chinese to Dutch.
- 3) As [detailed here](#), Google Trends is a search trend feature that shows how frequently a given search term is entered into Google's search engine relative to the site's total search volume over a given period. Trends only shows data for popular terms, so search terms with low volume appear as "0". The "100" does not mean that only 100 people searched the term; it is a measure of how popular the search term was versus other searches and other locations. The chart does show that in several countries, there was a tremendous amount of interest in Mr. Unsworth as a result of Mr. Musk's comments.

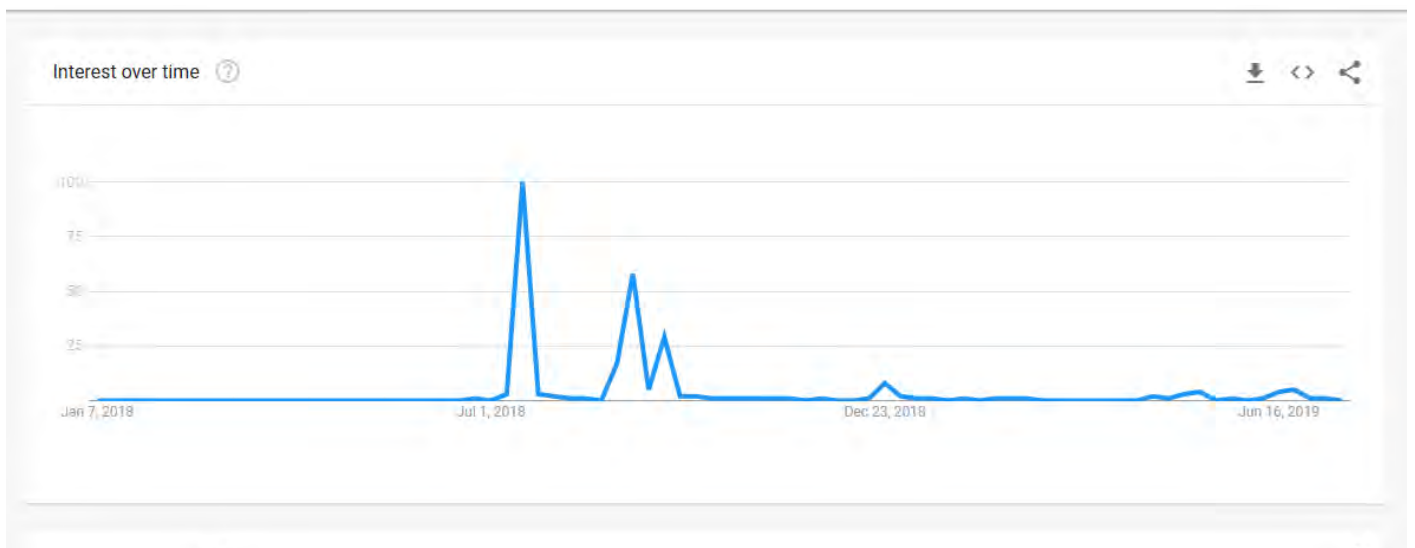
Using the search term Vernon Unsworth on [Google Trends](#), I found the interest in Mr. Unsworth to be far greater than one might anticipate and the chart below helps show that the damage to reputation his reputation took place in locations and languages that may not be obvious.

The first two searches below show worldwide interest in Mr. Unsworth in [July 2018](#) and [September 2018](#).

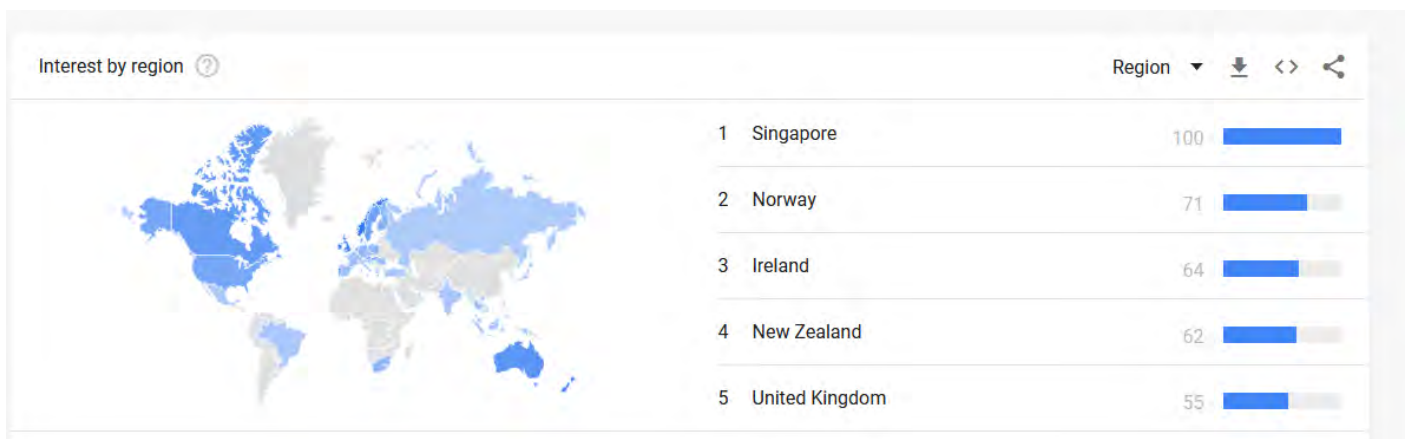




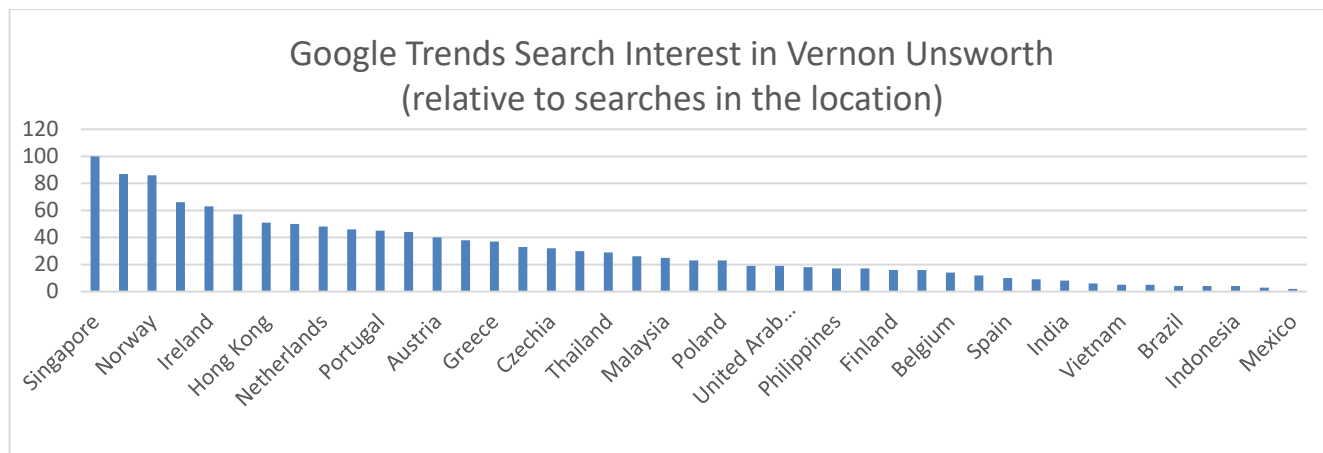
This cart shows interest over time.



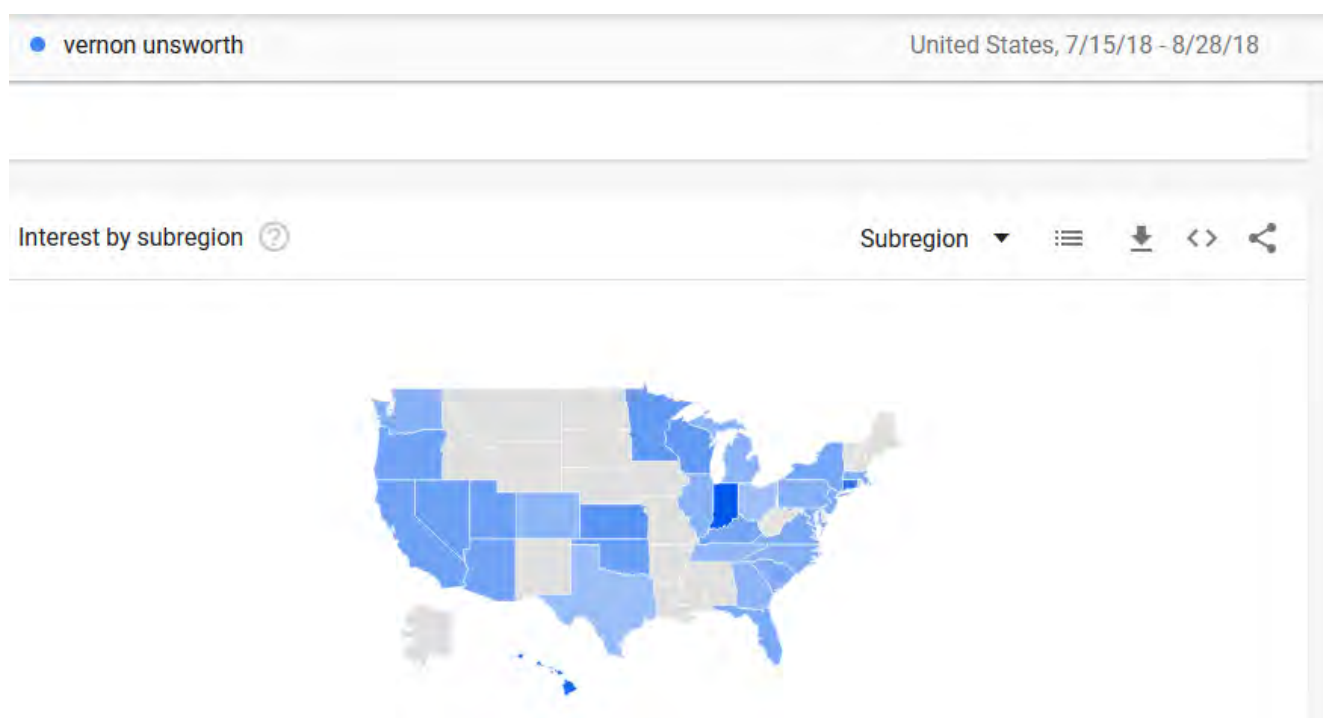
The two charts below show interest by region from July 1, 2018 until July 1, 2019.



The chart below show interest by country from June 15, 2018 until July 28, 2018.



The screenshot below shows by subregion of the United States from June 15, 2018 until July 28, 2018



Nature And Impact Of Negative Communications

There are two methods of dissemination of negative information—controlled and uncontrolled. “Controlled” means everyone exposed to the information can be pinpointed (e.g., person-to-person remark, written communication to only certain people, speech to an audience at a single forum) in a contained environment. In this scenario, only these people have negative information and have not passed it on in any way (e.g., word of mouth, written communication). These instances provide an

opportunity to refute the negative information by presenting an opposing view to the input they had received.

“Uncontrolled” means that either the original recipients of the information have passed it on in various ways to others that cannot be identified or reached—or it was disseminated in such a way that there is no way of knowing precisely who received it or what they may have done with that information. In this instance, where the false information about Mr. Unsworth was disseminated on social media and repeated in the mainstream media, it is impossible to ensure that everyone exposed to the negative information has access to the opposing viewpoint. These instances are extremely damaging because in the absence of counter-information, in my professional experience, the original (negative) information is often accepted to be true.

Negative information which is disseminated can never be erased entirely or overcome. For example, consider the “best-case scenario”—controlled dissemination:

- In countering the initial (negative) information, the second source of information reaching a person may have less impact because the person may have already given credence to the first input. Alternatively, they may filter the second information through the original information received (e.g., it is not a “clean slate”).
- Even if people receive conflicting information, they may be dubious about it, given what they were already told (e.g., “where there is smoke, there must be fire”) and that fact that Mr. Musk is a person with credibility. In this case, the only smoke that exists was created by Mr. Musk.
- A person presented with both sets of information regarding Mr. Unsworth may feel unsure about which is accurate. In that case, in my professional experience, human nature often leads people to take the conservative approach: steering clear of Mr. Unsworth. The uncontrolled nature of the message delivery means the harm created by Mr. Musk will not be able to be thoroughly measured. For example, people who come in contact with Mr. Unsworth in the future, who may have heard Mr. Musk’s statements that Mr. Unsworth is a sexual predator, may choose not to associate with him. The impacts/effects of harmful communications on Mr. Unsworth’s image and reputation can be expected to last and may never go away completely.
- Negative information can also cause damage simply because there is insufficient and inadequate information to counter the false stories being produced.

The real damage occurs with both controlled and uncontrolled dissemination, but the uncontrolled accusations are the most difficult to repair.

- In the absence of counterbalancing or challenging information, people can be convinced to accept as accurate that which is told to them if it has an air of plausibility, either due to the content of the information or in the case of Mr. Musk, because of his stature and being the person delivering the information.
- Given the worldwide spread of the repeated false statements regarding Mr. Unsworth, the inability to identify who has received the information precludes the ability to ensure everyone who received the false claims is provided with the correct information that Mr. Unsworth is not a pedophile.

- When information isn't countered, the original story can be passed on by "word of mouth" and by social media. This is particularly dangerous and harmful because when passing from one person to the other, the original information can be misinterpreted, exaggerated, embellished, and distorted, potentially elevating the negativity of the information.
- Finally, and most importantly, the false statements (e.g., "pedo guy", "bet ya a signed dollar it's true," and telling a reporter that Mr. Unsworth is a "child rapist" who had moved to Thailand "for a child bride who was about 12 years old at the time") were not confined to a few people. Their spread has been proven to be international and broad, and because the defamation was spread on social and mainstream media, its existence and reach are prolonged and essentially permanent.

The false dissemination of statements by Mr. Musk on social media and to reporters who then reported Mr. Musk's statements falls into the uncontrolled distribution of information. While Mr. Musk deleted his initial tweets regarding Mr. Unsworth, the fact remains that the comments were used in countless news stories and we don't know how often or where the uncontrolled dissemination was repeated to others. This compounds the harm because Mr. Unsworth is limited in his ability to provide factual information to every recipient of the false statements.

Even to those that do not know or have a strong opinion of Mr. Unsworth, after being exposed to the statements by a prominent person like Mr. Musk, based on my experience, it is my opinion people will still question Mr. Unsworth's character and question his reputation, simply by being exposed to the Musk allegations, irrespective of truth.

The negative impact of those tweets is only compounded by Mr. Musk continuing to resurrect and push his allegations, either by suggesting to reporters they are real, and Mr. Unsworth is worthy of investigation by a reporter, or by his charge that if the allegations weren't true he would "have already been sued" by Mr. Unsworth. In particular, the charge that he "would have sued" if it weren't true would buttress in the mind of a typical reader the truth of the charge of pedophilia by suggesting that an "innocent" man would have immediately taken legal steps to challenge Mr. Musk's allegation.

Message Crafting

The documents and information I have reviewed related to this case illustrate what, in my professional opinion, is a carefully crafted statement of negative information by Mr. Musk spread widely in both a controlled and uncontrolled fashion, to cause the recipients to distrust, Mr. Unsworth.

The word choices and phrases used were designed to communicate the message that Mr. Unsworth is not who he claims to be and that he was a pedophile. Moreover, he challenged at least one reporter to contact people in Thailand to confirm his claims and said Mr. Unsworth was "an old, single white guy from England who's been traveling to or living in Thailand for 30 to 40 years, mostly Pattaya Beach, until moving to Chiang Rai for a child bride who was about 12 years old at the time."

Many people are aware that Thailand has been known as a place where people travel to pay for sex with kids. Mr. Musk's statement to Buzzfeed that Mr. Unsworth was a "child rapist" and that Mr. Unsworth frequented Pattaya Beach and moved to Chiang Rai was intentional message crafting, designed to reinforce his narrative that the person attacking him was a pedophile.

When the BuzzFeed reporter emailed Mr. Musk asking for him to comment in response to a comment from Mr. Unsworth's attorney, Mr. Musk doubled down with his disparagement of Mr. Unsworth with two separate emails to the reporter. Mr. Musk wrote the reporter and said, "I suggest that you call people you know in Thailand, find out what's actually going on and stop defending child rapists, you fucking asshole." As detailed above, Mr. Musk wrote in his first email to the reporter "He's an old, single white guy from England who's been traveling to or living in Thailand for 30 to 40 years, mostly Pattaya Beach, until moving to Chiang Rai for a child bride who was about 12 years old at the time."

Mr. Musk then added, "As for this alleged threat of a lawsuit, which magically appeared when I raised the issue (nothing was sent or raised beforehand), I fucking hope he sues me."

As detailed in [this article](#), BuzzFeed News could find no evidence to support Mr. Musk's allegations, and Mr. Musk did not provide any documentation to support his accusations. It is my opinion that Mr. Musk intended that the public believe his charge against Mr. Unsworth. Mr. Musk chose to amplify his allegations that Mr. Unsworth was a pedophile by communicating with a reporter that charge. It is not just that the message was explicitly stated through the use of the words "pedo guy." Mr. Musk put an exclamation point on his interaction with the reporter as to his charge that Mr. Unsworth was a pedophile via his frank and vulgar challenge to the reporter: "stop defending child rapists, you f----ing asshole."

If the reporter was not already getting the message, Mr. Musk summed up his view about Mr. Unsworth by stating, "There's only one reason people go to Pattaya Beach," Musk's email read. "It isn't where you'd go for caves, but it is where you'd go for something else. Chiang Rai is renowned for child sex- trafficking." How Mr. Musk's messages were delivered is also important, as Mr. Musk employed a communication strategy to try to lend "authenticity" to the claims made in his tweets.

Mr. Musk is a seasoned communicator with both the public and the reporter. It is clear that his interaction with the reporter was designed to send a message to the reporter, and hence the people who read any ensuing reporting, that the information Mr. Musk was peddling regarding Mr. Unsworth was accurate and not merely a one time "off the cuff" angry response to undermine Mr. Unsworth's statements about Mr. Musk. It is clear from the record that Mr. Musk made false statements to retaliate against Mr. Unsworth for questioning his submarine plan.

A person presented with both sets of information regarding Mr. Unsworth may feel unsure about which is accurate. In that case, in my professional experience, people often take the conservative approach: steering clear of Mr. Unsworth.

Distribution Method

Because Mr. Musk initially used social media to push his claims regarding Mr. Unsworth, and those statements were picked up by the mainstream media, it impossible to know the exact number of people who were exposed to Mr. Musk's false statements about Mr. Unsworth. The uncontrolled spread of Mr. Musk's attack took place in two ways. First, the tweets were put on Mr. Musk's Twitter page and second, the uncontrolled proliferation occurred as the media reported on Mr. Musk's claims.

As an experienced crisis and reputation management professional, it is my firm belief that a public attack on a person's ethics and integrity cannot go unchallenged. Because Mr. Unsworth did not have the platform that Mr. Musk has as a respected CEO, he could not take immediate action and reach the same number of people as Mr. Musk to challenge his claims. Had he been at the same level as Mr.

Musk the day the first false statement was uttered, Mr. Unsworth would have been able to challenge Mr. Musk's statement. When a person's integrity is called into question, they must respond and respond quickly. Unfortunately, Mr. Unsworth was not able to respond with the same outreach as Mr. Musk, and Mr. Musk took advantage of this fact and doubled down on his false claims.

The uncontrolled nature of the message delivery means the harm created by Mr. Musk cannot be able to be thoroughly measured. For example, people who come in contact with Mr. Unsworth in the future, who may have heard Mr. Musk's statements that Mr. Unsworth is a sexual predator, may choose not to associate with him. The impacts/effects of harmful communications on Mr. Unsworth's image and reputation can be expected to last and may never go away entirely, regardless of their truth or falsity.

Reputation And Impact

A reputation is something that is built over a long period but can be destroyed in an instant. Warren Buffet, the Oracle of Omaha, understands the importance of a reputation. He has been [quoted as saying](#): "It takes 20 years to build a reputation and five minutes to ruin it. If you think about that, you'll do things differently." He has [also said](#), "Lose money and I will forgive you. Lose even a shred of reputation, and I will be ruthless. Wealth can always be recreated, but reputation takes a lifetime to build and often only a moment to destroy." Buffet's message is simple: a person's reputation is essential.

The attack on Mr. Unsworth was centered on the allegation that he is a pedophile. The fallout from Mr. Musk's actions, in my professional view, besmirched the reputation of Mr. Unsworth not only in the United Kingdom but throughout the United States and the world. It is my opinion that Mr. Unsworth will never be able to altogether remove doubts about his character from those who saw the post, read or saw news stories about the claim or those who were subsequently informed of the Tweet and stories by those who viewed and read them. Likewise, anyone who chooses to search Mr. Unsworth in Google or other search engines will see comments by Mr. Musk. Based on my experience, it is my view that Mr. Unsworth suffered negative consequences of the post, including:

- Damage to his name, image, and reputation;
- Loss of goodwill;
- Reduced trust in working relationships with peers and future business partners;
- Embarrassment due to false accusations; and,
- Unnecessary costs (e.g., need to repair his reputation, legal fees, time spent refuting the false information).

The difference from defaming a person in prior years via printed articles in newspapers or other publications is immense. First, the internet is a vast repository of content that is retained in a multiplicity of websites. Secondly, that content is easily found via search engines. This is unlike prior years where a trip to a library and a search through microfiche would be required to read a defamatory story that might only be a few months old. The internet has become a platform for eternal defamation, and as discussed below, only extensive efforts to correct defamatory information so that the corrected information appears at the same time or before the defamatory information can hope to repair a damaged reputation.

Today, when someone is defamed, the defamatory information is only a few clicks away, forever. That is because the Internet has changed the way that reputations are made and destroyed. The negative information continues to exist on the internet, where it can be found in a simple internet search. Indeed,

as of the writing of this report, over 600 new reports exist on the Internet that include the statements from Mr. Musk regarding Mr. Unsworth.

As recently as 1998 when Google was created, if you wanted to research a person (like Mr. Unsworth) you'd have to visit the basement of a library or other institution that kept microfiche or microfilm of old newspapers. A lot of great investigative journalism and historical research has been done just that way over the years, but the work required a tedious effort. With today's technology, which allows anyone to enter in a few key search terms, you can instantaneously find out something that would have been difficult to find as recently as two decades ago.

The fallout from Mr. Musk's actions in my professional view has besmirched the reputation of Mr. Unsworth. It is my opinion that Mr. Unsworth will never be able to completely remove doubts about his character from all who saw the news stories or heard from friends and colleagues about Mr. Musk's claim or all who were subsequently informed of the Tweet and stories by those who viewed and read them. Likewise, anyone who chooses to search Mr. Unsworth in Google or other search engines will see the comments by Mr. Musk.

Response to Negative Communications

Allegations of pedophilia are immediately toxic to a person's reputation. In my professional opinion, the actions of Mr. Musk created reputational harm. It is my expert opinion that Mr. Unsworth has been damaged and that a robust reputation repair program is advisable to address the harm done to his reputation.

[Princeton researchers](#) have documented that when people meet for the first time, they decide if the other person is trustworthy within a tenth of a second, and that bad first impressions are hard to overcome. Research also shows that it takes many more "[good acts](#)" to overcome a bad first impression. In short, a negative perception can be quickly created and hard to reverse.

In this case, the "bad first impression" of Mr. Unsworth as being an accused sexual deviant had been created in the public sphere by Mr. Musk. Mr. Unsworth is not likely to have contact with the vast majority of people who have read these negative and false statements about him. Their opinion of him, a person heretofore generally unknown to the general public, is likely to be tainted if they have read and/or believe Mr. Musk's accusations. This cloud of suspicion that has been created in the public sphere will be challenging to overcome.

Recovering And Repairing A Professional Reputation

I have substantial experience in helping individuals and companies recover and repair reputations. For a person like Mr. Unsworth, there is no way to completely remove the stain caused by false accusations, but there are steps one can take to begin to repair the damage.

After former Secretary of Labor Ray Donovan was acquitted of criminal fraud charges, it was reported that he stood on the courthouse steps and asked, "which office do I go to get my reputation back?" There was no office he could go to get his reputation back. Unlike Secretary Donovan, after having his name dragged through the mud, we know exactly where Mr. Unsworth needs to go to start getting his well-earned reputation back after he leaves the courthouse: he needs to go to media outlets where Musk statements were spread worldwide.

The repercussions of having a false narrative will dog Mr. Unsworth for years because the accusations live online. One type of damage that can be quantified is the cost to attempt to repair Mr. Unsworth's reputation. When a person's online reputation has been completely overtaken by libelous and otherwise damaging content, the recovery typically requires a great deal of work and may continue on an ongoing basis for a significant period. Throughout a reputation repair program, I would expect to see a substantial transformation in Mr. Unsworth's online reputation. Today, when you use a keyword search, you are using a crawler. The crawler gets a list of websites and looks for copy and forwards the information to search engines to index and rank according to various aspects. Good crawlers can follow links they find on pages. Search engines crawl and index results in real-time, and ongoing work on Mr. Unsworth's digital reputation is critical to properly protect him from further unfavorable content. It will be necessary to initially look at the way Mr. Unsworth is presented online when searched in multiple different languages and locations. In each case, I would focus on search results, as seen in the local version of Google.

Methodology

The following are some of the primary focus methods that I would advise in a comprehensive digital reputation recovery program for Mr. Unsworth. The program I recommend could involve several different communication specialists, which will be detailed below.

- **Owned:** The program should look to maximize the impact of owned websites and other platforms where positive content appears or can be featured — for example, maintaining a personal page for Mr. Unsworth.
- **Earned:** The program should look to increase the prominence of the positive and neutral earned media, whether they are international, national, or local publications, or videos or news blogs. This will help displace the negative pieces while providing stakeholders with rich engaging content that puts Mr. Unsworth in a positive light.
- **Social Media:** The program should look at how profiles on Twitter, LinkedIn, Instagram, and other social media and video sites can be further leveraged toward building a positive reputation.
- **Industry Sites:** Identifying the specific opportunities in industry sites, for example, caving and cave diving sites of various types.
- **Community:** Wikidata, Crunchbase, and other community-built resources are important to leverage in helping control digital reputation.
- **Algorithms:** By understanding how search engines work and the specific technical cues they need, outside experts can ensure that the reputation repair program has the maximum effect; in this way, they would be utilizing, rather than fighting, the algorithms of Google and other popular search engines.

Increasing Ownership

I would recommend that Mr. Unsworth retain a public relations firm that has digital media experience to leverage greater ownership of positive search result. Mr. Unsworth's reputation has been damaged to the point where it doesn't just need an adjustment or the removal of an inaccurate news story. It should instead be proactively planned and built. The more results that are owned and controlled by Mr. Unsworth, the further searchers will need to go before they find the unfavorable news results.

The team retained to help Mr. Unsworth will have to secure domain names with his actual name and domain names similar to his name so that someone does not domain squat. Some of the names that are available and should be secured are:

- VernonUnsworth.com
- VernonUnsworth.org
- VernonUnsworth.info
- VernonUnsworth.net
- VernonUnsworth.us
- VernonUnsworth.co.uk
- VernonUnsworth.biz
- VernonUnsworth.online

Promoting Mr. Unsworth's new profile on the newly-created personal website(s) is highly recommended. This can be accomplished by creating an [Exact Match Domain](#) (EMD) that contains a basic description of his career and links to other relevant content. This site would get a thorough Search Engine Optimization (SEO) review to ensure that multiple pages from that site appear prominently in all related searches. It also means optimizing internal linking within the site. Coupled with paid ads from Mr. Musk providing a sincere apology and retracting his statements, social media offers the next obvious opportunity to increase ownership for Mr. Unsworth to improve his reputation.

As noted above, the online reputation for Mr. Unsworth varies by location. This is especially true when you look at different languages. Each language and location will require separate tracking, while some of the same content will be useful in the program across languages.

Online Reputation Management Program Recommendations

Digital reputation management companies use technical SEO including use of [Schema.org Markup](#), [Google Webmaster Tools](#), and [Google Search Console](#) to fully optimize technical aspects of one's online reputation. They use tools to help optimize results for search queries of keywords and to promote owned properties within the search results. Part of the effort would be to identify relevant, positive content pieces from news sites, blogs and industry-related websites. Because the media coverage has generally repeated the false charges by Mr. Musk, any positive media coverage of Mr. Unsworth is currently appearing less prominently than it could. News content particularly will be useful in displacing the prominent negative content, which why full-page ads and created earned media around a public apology will be critical. As the case proceeds, it is likely to yield content that will be very helpful in building a positive reputation for Mr. Unsworth. For example, new articles that announce Mr. Musk renouncing his past claims against Mr. Unsworth and taking out ads apologizing will create new useful content. The new content pieces could be utilized at the end of the trial to displace negative content that presently populates the majority of search results.

Owned social media profiles tend to rank highly in search results and are a recommended tactic to begin exerting more control over digital reputation. This is sometimes possible even without being active on the channel, though prolonged activity is highly correlated with sustainable rankings. [Wikidata](#) is a database of notable people, places, and brands. It is used by Google, Bing, Facebook, and other online platforms to gather authoritative information about the relationships between sites and people, official titles, etc. Having a properly formed Wikidata entry will be extremely helpful in ensuring that relevant, timely content about Mr. Unsworth is presented prominently. I would

recommend that the team hired to assist Mr. Unsworth work with the Wikidata community and its editors to create and properly populate an optimal profile.

Based on my experience, a long-term solution that helps clients get past one part of the damage done (digital reputation damage), is to optimize owned content and creating new content. Video content can be key, and there is some positive video content to be found about Mr. Unsworth's heroism when faced with the challenge of saving the boys trapped in the cave in Thailand. A successful campaign will highlight this video content and ensure it is a key part of the online narrative. See the following example:



ct to

Activity Categories

- **Analysis:** This is a set of activities that entails collecting all of the relevant data about the online reputation of the client. The digital experts then analyze the data to understand the situation and identify the best available solutions. The data is continuously updating, so this analysis and findings are ongoing.
- **Optimization:** The digital experts utilize the analysis along with their experience and technology to carry out the optimization efforts. These might include a diverse range of activities from content optimization to technical tweaks.
- **Monitoring:** Throughout their work, it is my experience working with a digital expert that they use unique technology tools to monitor and update their understanding of the situation regularly – and this feeds back into the analysis and optimization efforts.

Below I share specific activities that fit into each of these areas.

Analysis Of Activities And Tools:

- **Keyword Identification**
Beyond the obvious client name keyword, the team working for Mr. Unsworth will need to analyze keyword traffic and trends using tools such as Google Trends, [ahrefs](#), [SEMRush](#) and others.
- **Search Suggestions and Related Searches**
These highly relevant related keywords are shared by Google and give great insight into how internet searches are changing. The digital team working for Mr. Unsworth will need to utilize these to determine the topics that content should contain to satisfy visitors – and the algorithm.
- **Search Engine Comparison**
Since different search engines use different methods for creating search results, it is fascinating to compare the results that are seen say in Bing vs. Google. For example, if a specific video about Mr. Unsworth is appearing prominently in Bing, there are likely some characteristics that are very promising. This analysis could well lead to a decision to optimize the same video for Google.

- **Server Codes analysis**

The digital team will need to look at the server response codes for important pages – they will need to detect changes – for example, a [302 redirect](#) that could cause issues in rankings.

- **IMPACT**

With previous clients, I have used IMPACT which happens to be a Five Blocks proprietary reputation management tracking and analysis tool. Other companies have similar tools which give the recipient more than just search engine rankings. The tools allow users to analyze search results across keywords, competitors, geographies, languages, etc. It enables the digital team to identify patterns such as which article or page is most likely to outperform a competing one. The tracking these tools create provides valuable progress reports for the account team. The tool would also show Mr. Unsworth data visualization to convey the differences in search results across different keywords, segments, locations, etc.

- **Google Analytics**

Using [Google Analytics](#), the digital team can identify many vital pieces of information about Mr. Unsworth's website(s) performance. For example, traffic sources, best performing content, location of visitors, time on site, bounce rates, conversion metrics, etc. This information helps inform the digital team's plans and is a great way to measure progress on an ongoing basis.

- **Google Search Console**

Formerly known as Google Webmaster Tools, [Google Search Console](#) provides specific information on the keywords that are generating traffic to a given page. It also shows the team keywords for which Mr. Unsworth's sites would rank. Additionally, I have seen digital teams use the Search Console to check for errors in caching, potential malware, and other issues on an ongoing basis.

- **WikiAlerts**

Wikipedia Monitoring is a tool that I know Five Blocks uses. Other digital companies have similar tools. The tool would allow Mr. Unsworth to be constantly aware of changes that are occurring to pages of interest in Wikipedia and real-time alerts to changes in Wikipedia. The tool alerts the digital team to the nature of the change as well as the specific content added or removed - all in near real-time so that the appropriate action can be taken.

- **Google Trends**

Most digital reputation firms utilize [Google Trends](#) to inform the team of upticks in keyword traffic to new related keywords. For example, if something leads searchers to begin looking up a variation of a popular term, Google Trends may be one of the first places we will see empirical evidence of the new trend.

- **Caving Community Analysis**

One way to look at how Mr. Unsworth sites should be promoted is to analyze the websites of those involved in the caving community. It is important to understand the keywords that those in the caving community target and the types of engagement that they get. The digital firm Mr. Unsworth retains should look at how his site is promoted within Google and other engines – as these tactics or similar ones may be ones to consider. Beyond his specific location(s) it would make sense to look at the types of unfavorable third-party content – video, editorials, blog posts, etc. that currently occupy prominent spots.

- **SEO Optimization Tools**

With the target of higher rankings, growing traffic, and increased engagement, all of Mr. Unsworth's websites should undergo a thorough SEO optimization regularly. Included in this review should be the use of Google Search Console or similar software to identify issues and opportunities. Additionally, I would recommend that the retained firm seek to change the content that is currently most seen, paying special technical attention to [Schema.org](#), titles, and descriptions. [Backlink](#) profile and opportunities for backlink reclamation should also be

analyzed. Often, efforts to rebrand a person or company after an adverse event stall due to backing off of constant content optimization, technical SEO, term-relevant backlinking, and utilization of partners to create incoming links and relevant content. Several companies use tools such as ahrefs, [Screaming Frog](#), etc. to assess SEO optimization issues and opportunities.

- **Peer Analysis**

I have found that peer analysis is an excellent way to identify the best opportunities for clients repairing their reputation to track similar people and analyze the specific websites that are performing best. In working with digital firms, it is my experience that you can improve a client's online presence by examining what peers are doing. Since Google's algorithm changed several years ago, I find it worthwhile to keep tabs on what other people and firms are doing and how their online presence is being impacted so that Mr. Unsworth's online reputation is always optimal.

- **Location Influence**

As noted in the charts, interest in Mr. Unsworth varies by location. When creating a digital plan for Mr. Unsworth, the team hired will need to address specific issues, and it will be necessary to ensure that their efforts address the various key locations.

- **Duplicate Content**

The digital team retained will need to work on [duplicate content issues](#) to ensure that Google sees more of Mr. Unsworth's content (once they are varied) so that the team can more easily promote them the content.

Optimization Tactics:

Below are the tactics that I believe a digital firm will need to undertake on Mr. Unsworth's behalf.

- **Increasing Ownership**

One crucial area that Mr. Unsworth needs assistance is creating and achieving leverage and ownership of the search results. The more results that are owned and controlled by Mr. Unsworth, the further searchers will need to go before they find the unfavorable news results. As part of creating and optimizing Mr. Unsworth's website(s), the digital team will need to establish these pages as anchors – this means a thorough SEO review of websites as they pertain to Mr. Unsworth to ensure that multiple pages from that site appear for Mr. Unsworth.

- **Technical SEO**

Use of schema.org (microformats) markup, Google Webmaster Tools, and Google Search Console will be helpful in more fully optimizing technical aspects of Mr. Unsworth's online reputation, understanding search queries, and keywords, and better promoting owned properties within the search results.

- **Creating new websites**

The digital team will need to work with Mr. Unsworth to create either specific sites all about him or some aspect of his life.

- **Third-party media content**

The digital team will have to mine the few relevant, positive content from various sites that are currently appearing less prominently than it should and use the information. News content created at the result of ads from Mr. Musk apologizing as well as Mr. Unsworth putting out a press release about the ads will generate media coverage and will be useful in displacing the prominent negative content.

- **Social Media Profiles**

LinkedIn consists of working individuals who occupy top spots regardless of location. As part

of the analysis, the team should explore if social media profiles about Mr. Unsworth should be created. This is another area in which peers will be good indicators. Owned social media profiles tend to rank highly in search results and are a recommended tactic to begin exerting more control over digital reputation. This is sometimes possible even without being active on the channel, though prolonged activity is highly correlated with sustainable rankings.

- **Crunchbase**

[Crunchbase](#) has emerged as an excellent place for digital reputation companies to place executives and highlight their profile. An optimal profile on this platform can not only win a top position in the search results but can be used to further promote other third-party content.

- **Positive Content**

Seek and identify existing positive content and actively promote it digitally. Mr. Unsworth will need to work with a communications team to ensure prominence of relevant, optimized, positive content (when and where possible) and actively promote it.

- **Wikidata**

Wikidata is a database of notable people, places, and brands. Google uses it, Bing, Facebook, and other online platforms to gather authoritative information about the relationships between sites and people, official titles, etc. Having an adequately formed Wikidata entry help ensure that relevant, timely content is presented prominently for searchers. It is important to work properly with the Wikidata community to ensure that the right information is included and that Google sees and uses it.

- **Wikipedia**

Aside from being a very popular website for companies and prominent individuals, having an article in Wikipedia is an indication to Google, Bing, and others that the company or individual is notable. This leads to the company or individual having a Google or Bing Knowledge Panel – the info box that often appears on the top right side of a Google search results page. This section would include a photo of Mr. Unsworth and appropriate links to Mr. Unsworth's owned pages etc.

Monitoring:

- As mentioned in my report, Mr. Unsworth's team will need to begin their day by reviewing keywords and locations. For each keyword they look at, they will need to examine the current results being displayed and how those results have changed over the past 24 hours. They should look for changes that indicate new opportunities as well as possible threats. The team should utilize tools to continuously monitor the critical search properties and search queries on an ongoing basis. If traffic falls, for example, they should understand why so that the proper adjustments can be made.
- The information gleaned from the internal monitoring reports should be used in regular reports that are conveyed to Mr. Unsworth. This constant reporting will help Mr. Unsworth see measurable progress the reputation team is making and see that it is as a result of the digital activities being performed.

Workflow & Expected Project Activities

Workflow

While I don't know what digital reputation firm Mr. Unsworth will hire, it is my experience that firms handling this type of reputational repair campaign will assign a senior person in the firm to lead the

program. This will be someone who has recently worked on a similar situation and has been successful at achieving the program goals. It is my experience that the senior person will be assisted by strategic lead and a daily account manager who will be responsible for the in-depth analysis for each keyword identified. The team will then likely formulate a plan to reshape Mr. Unsworth's image and will probably use the tactics listed above to accomplish the program goals. It should be noted that it is my experience that the digital team typically works with a point person for the client – who in this case is Mr. Unsworth. Because so many decisions have to be made, digital, advertising, public relations, etc., it is my opinion that Mr. Unsworth will have to retain a public relations professional to coordinate all the efforts and connect the digital team with Mr. Unsworth's webmasters/social media team, all who need to coordinate activities.

Typical Project Activities

Based on my experience, the following is a typical list of some of the key focus areas for similar programs. As the program progresses, the team lead will likely place an emphasis on the activities that help Mr. Unsworth most quickly achieve measurable success.

Technical SEO Review Of Corporate Sites
Owned Online Asset Review
Social Media Profile Review
Philanthropy Content
Implementation Of Technical SEO Changes To Site
Content Review Of Boilerplate Text And Bio For Duplicate Content
Link Profile Review
Improving Link Profiles – Internal External
Bloomberg, Crunchbase And Other Personal Profiles
Video Content Review And Recommendations
Establish Mr. Unsworth As A Notable Person
Schema.Org Markup Creation
Considering Additional Domain(s) To Launch
Identifying Third-Party Content To Elevate
Utilize Google Analytics To Identify What Website Is Not Generating More Traffic
Utilize Search Console To Identify Keyword Opportunities
Use Google Ads To Identify The Precise Traffic By Keyword And Location
Track Relevant Wikipedia Changes – Edits And Traffic
Peer Analysis – Identifying Opportunities
Ongoing Promotion Of Positive Content Within Search
Working With Client's PR/Comms To Ensure That Their Ideal Content Is Promoted
Reviewing Press Releases For Maximum Exposure Before They Are Released.
Ongoing Reporting & Tracking

Research

Messaging is going to be critical for the reputation repair campaign. The glue that binds all phases of a reputation rehabilitation program is strategic research, which provides the foundation upon which all

messaging should be based. I would recommend that extensive qualitative and quantitative research be completed. In my experience, it is necessary to do qualitative research (via telephone survey) to fully understand the attitudes of the public, followed by in-depth quantitative opinion research (focus groups).

Based on my experience working with issues management researchers, I would recommend that the first phase of research be a survey involving a random sample of 1,100 people across the United States with a margin of error of plus or minus three percentage points. Surveys generally ask closed-ended questions that may limit the feedback. After the telephone survey is completed and the data is analyzed, the next step in the research I would recommend involves focus groups. Focus groups would allow Mr. Unsworth and his team to gain insights and test messages that would be used in the full-page ads and the digital media program. These focus groups could also help us understand the exact ways that people would search for Mr. Unsworth in Google and other search engines. For example, they might add Mr. Musk's name to the search or perhaps other modifiers. Planning reputation rehabilitation will require a knowledge of what the most likely searches would be.

When people are recruited for focus groups, they would not know what the subject matter was in advance. Given the nature of the issue, it would likely be necessary to have several focus groups in various locations across the United States. Recruitment would be done by the chosen focus facility. Ideally, each session would include a diverse group of people mixed by age and geography who use social media, watch the news, and are aware of Mr. Musk. A focus group is most effective with 7-10 participants. This is the optimal size to promote discussion and enable the facilitator to keep the group on task. The firm used for testing would have to be one that operates in an unbiased manner. Depending on the locations across the United States, it is my experience that each participant will need to be compensated from \$300 to \$400 each. It generally takes two weeks to recruit the participants and prepare the focus group guide, so the research will take some time to complete.

Reputation Repair Advertising Campaign

The defamatory nature of Mr. Musk's statements and the harm that they have done to Mr. Unsworth's personal and professional reputation warrant a robust reputation repair advertising campaign to address the damage. The campaign will require ads to be placed both locally and internationally. Before going more in-depth on the different media outlets which will be implemented, there are some basics to advertising that must be understood. The terms presented are an integral part of the field and are used when dealing with all types of advertisements. The terms [reach, impression, and frequency](#) are three of the most commonly used words in the field that must be understood to understand my recommendations.

Reach refers to the number of people in the specific media market that the campaign wants to view the spot. It can also be expressed as a percentage, which indicates the percentage of the population that is exposed to at least one spot. An important concept about reach is that the entire viewership, readership or amount of social media followers a specific publication has, does not necessarily mean that the advertisement will reach every single one of those persons. In some cases, an individual might see a "spot" multiple times but reach only counts the number of unique individuals. So if a person saw a spot while watching the game on Thursday, the spot reached one person, but that same person sees the same spot when watching the next game on Saturday, the reach remains at one because he already saw that exact spot. It is important to remember though that reach is not the number of people who will actually be exposed to the ad, but rather the number of people who are exposed to the media and therefore have an opportunity to see the spot when it airs.

Impressions are the total number of exposures to an advertisement. Impressions are calculated by multiplying the number of spots by Average persons. So when a person saw the spot during the game for the second time, the impressions increase to two because the person has been exposed to the spot for the second time. This should not be interchanged with another common term, frequency. Frequency is the average number of times the advertisement will be presented to the reached population. If one wants to run a spot in a specific market, he may decide to run that spot twice during the nightly weekday news for two months. He would then get a frequency number by dividing the number of impressions in that market by the reach or by dividing GRPs by Reach Percentage.

While reach, impression, and frequency are key to determining an effective campaign, other formulas are needed to calculate the size of a campaign by a specific medium or schedule and the cost efficiency of advertising on one medium versus another. This is done by determining the [Gross Rating Points](#) (GRPs) and [Cost per Point](#) (CPP).

GRP is the measure of the size of an advertising campaign by a specific medium or schedule. It is calculated by multiplying the number of spots by rating. GRPs put impressions in the form of a percentage of the target population. This metric is used to measure the impressions in relation to the number of people in the target for a campaign. Since impressions are based on the total number of exposures to a spot, the GRP percentage can be greater than 100 if a large number of the target population were exposed to the campaign. GRP is calculated by multiplying the average rating of a T.V. show by the number of ads placed. If the show gets a 5 rating and ten ads are placed during that show, the ad will have 50 GRPs. Cost per point, on the other hand, measures the cost efficiency of the campaign, which will enable Mr. Unsworth's advertising team to compare the costs of one advertisement to others. The CPP's will assist Mr. Unsworth's team in planning the ad buys.

Hiring A PR Firm To Oversee The Campaign

Developing an effective reputation repair campaign for Mr. Unsworth will require putting together a team of people who can do research, craft a message, deliver that message, and make sure that the ad and digital repair campaign run smoothly throughout the life cycle. It is my experience that this is best accomplished by hiring a PR firm to oversee the entire campaign and to ensure that all the efforts are coordinated. In addition to overseeing the entire campaign effort I have described, the PR firm will need to be involved in the advertising, media statements, and market research to get a baseline public opinion from which to build off of, manage inquiries made to Mr. Unsworth and oversee the social media efforts. The firm will either do these tasks in-house or may need to outsource some tasks to other firms.

The costs of hiring a PR firm takes into account the different tasks that the firm can complete, the amount of time that those tasks will take to complete, and the size of the agency. In most situations, the firm will charge a retainer fee to keep the contract alive. Based on my experience, I expect the retainer would most likely be in the range of \$18,000 per month and last a minimum of 18 months.

Social Media

The rise of social media has made it one of the more intriguing advertisement mediums because of the number of users they have. Twitter is the social media platform in which this campaign will focus because of its ability to reach the target audience. Twitter is an online microblogging service for distributing short messages (280 character limit) among groups of recipients via personal computer or mobile telephone. From April 2019, [Twitter reported](#) a monthly active user base of 330 million, with around 130 million daily active users. Twitter now only releases daily active users, and that is

measured based on the number of users who can view ads. Twitter provides multiple different avenues for advertising on its platform, Promoted Tweets, Promoted Accounts, and Twitter Ads. Promoted Tweets allow one's tweets to appear in the Twitter Streams or Twitter search results of specific users. Twitter is paid a flat monthly fee for as long as you're promoting a tweet. Twitter Ads uses multiple groups of tweets to accomplish a single goal for a business or personal brand. It can display your username in places other than a user's newsfeed, such as "Who to Follow" or "Trending in your area."

Another means of advertising on Twitter are Promoted Accounts. Promoted Accounts allow one to promote a profile, rather than a series of tweets, in one's target audience's newsfeeds and on the profile pages of the other accounts one cares about. First, Mr. Unsworth's team will need to pick a desired outcome for the campaign, and that would be to bring awareness to Mr. Unsworth's upstanding reputation despite the inflammatory remarks from Mr. Musk. The amount of exposure for this promoted account will depend on the daily and total budget to be used for the campaign. A higher budget would be best for this campaign to make sure the message is delivered each day, for an extended period, at set intervals. The goal with Promoted Accounts is to gain more followers. The campaign should use targeting to create an audience that will be interested in activities Mr. Unsworth wants to promote and then Twitter will suggest his account to them—in [Home Timeline](#), Who to Follow, and search results. Like Promoted Tweets, Promoted Accounts will also have the "Promoted" label so as distinguish them from typically recommended accounts.

Placing the ads in specific parts of Twitter comes down to advertisers bidding on the available ad space. Advertisers will bid against each other to have their ads shown to the audience they are targeting. The ad is then automatically entered into an auction where it will compete against other ads where [Twitter's auction](#) algorithm will compare all the ads against each other to determine which ad will be shown to the users. Mr. Unsworth's repair campaign team will need to set a budget for how much they wish to bid on the various ad spaces available on the platform.

Twitter offers several types of advertising options – promoted tweets, promoted accounts and promoted trends. The first two cost between \$.50 – \$4.00 per engagement. As one [media outlet](#) reported, Twitter Promoted Trends cost approximately \$200,000 for 24 hours. I would estimate that Mr. Unsworth would need to spend a minimum of \$1.5 million with a combination of Promoted Trends and regular Twitter advertising. A budget of this size would help ensure that Mr. Unsworth's campaign reaches a large percentage of Twitter's users who follow Mr. Musk. In addition to using Promoted Trends, Mr. Unsworth's advertising team will need to aggressively bid on ad placements from the outset to improve the odds of reaching their desired audience.

Social media giant Facebook has a user base of over 2.2 billion, so it naturally is an exploding area for businesses and persons alike to advertise. Like Twitter, Facebook has multiple means of advertising which consist of a photo, video, slideshow, carousel, collection, dynamic, lead, and a messenger ad. Mr. Unsworth's campaign can decide where to place the ads or have Facebook place them automatically. Facebook will do so based on either the daily or lifetime budget that a campaign wishes to spend and the target audience information that has been given to Facebook. Facebook charges for advertisements based on the [Costs Per Millie](#) (CPM), Costs Per Click (CPC), and Cost Per View (CPV). CPM is the price an advertiser is charged every time the ad receives 1,000 impressions. The average CPM on Facebook across all industries is \$11.20. That would come out about 1 cent per impression. However, it could be lower or higher depending on the chosen audience and the competition level for that audience. CPC is the price you pay for each click on your Facebook ad. Cost Per View charges advertisers for every view a video ad receives. Advertisers who have powerful messages and are looking to inform users on a certain topic or subject would use this type of ad. These three models should be evaluated by Mr. Unsworth's advertising team to see if they are helpful for the

repair campaign. The ads would need to be focused on making Facebook users aware of the reputation repair campaign (Mr. Unsworth's social media, the apology, and retraction from Mr. Musk, etc.) and then getting users to click away from Facebook to learn more. The average cost per click on Facebook [across all industries](#) is about \$1.86

Online

As detailed in my report, another part of the internet based portion of the reputation repair campaign Mr. Unsworth's team will need to use will be online ads on blog posts, web-based articles, web-based news platforms, and other web content. This will necessitate advertising on search engines such as Google, and also through different websites which are popular among the target audience of Mr. Unsworth's repair campaign. The price for these types of ads will depend on the ad size, location, performance and market demand. For example, an ad that takes up a majority of the upper part of the screen will cost more than an ad that is a small square in the bottom part of the screen. Performance of the ad refers to the method of online-based advertising known as pay-per-click ads. Pay-per-click ads are those where the campaign is charged when an internet user clicks on the ad. Mr. Unsworth's team will have to pay an initial fee to have the ad placed on a website based on its size and desired location. Then they are charged based on the number of clicks the ad receives. The average cost of a [pay per click ad](#) is about \$1.43 per click.

Many different services offer this type of advertising, but one of the wider-reaching ones is Google Ads. Also known as Google AdSense, it consists of a network of 3 million websites encompassing a wide array of different topics that span the Internet. These types of ads are known as display network ads where the website is trying to make money from displaying ads on websites that use Google AdSense. This would include websites such as [YouTube](#), [ehow.com](#), [TechCrunch.com](#) to name a few of millions of sites and blogs that run [ADSense](#). Search network ads show up when you search a specific term through Google Searches.

The word term consists not only of single words but phrases such as "injury attorney" or "slip and fall". The costs of the search network term are based on the popularity of the word, the amount of words that are involved, and the size of the target audience the campaign is attempting to reach. Both of these types of ads are purchased through an auction and are based on the pay-per-click model. A detailed budget will need to be developed for how much Mr. Unsworth's campaign will need to spend on online ad space. Google's auctions for ad space are based on the geographic location in which the ad will appear, the location of the ad on a particular site, and the type of industry in which this ad is targeting. Mr. Unsworth's team will set a monthly budget and an amount for their highest desired bids on a specific ad space. Compared to traditional advertising (e.g., T.V. or print), online advertising budgets can be much smaller. A small business with just one website will typically spend between \$9,000 and \$10,000 per month on advertising with an average of \$1.00 and \$2.00 per click.

Due to the impact of Mr. Musk's statements and the prominence that they had online, I would estimate that Mr. Unsworth's team will need to spend a substantial amount of money on GoogleAds as part of their online reputation management. I could envision Mr. Unsworth's team spending at least \$2,000,000 a year on the United States Google platform because that platform is used where Mr. Musk is located and also reaches more users than any of the Google platforms which are internationally focused. The team would use [Google's targeting tools](#) to match the ads with the people that they are targeting as part of the overall campaign.

I am sure that the reputation repair team Mr. Unsworth retains will develop ads that will lead an internet user to his personal website that will be created as a part of the reputation repair campaign.

Being able to control the message regarding Mr. Unsworth's personal achievements and upstanding character is key to this campaign. Developing a website is not an easy task and will take a team of various people across different disciplines for the website to be successful.

That will include hiring a team to design and run the website, a copywriter, plus domain registration of the website and a service provider to host the website. The project requirements demand high-level oversight, which means professional agencies, not consumer-level solutions such as GoDaddy. The domain registration and hosting maintenance will cost around \$5,000, but that is a one-time fee. Then there is the cost of daily website maintenance along with any updates that need to be made to the site's infrastructure. Depending on the size of the website, these costs could increase, but I estimate that it will cost at least \$75,000 to maintain and update the website. If Mr. Unsworth was to have a website in different languages that reached an international audience, the costs would go up significantly.

Multiple news-based websites in the United States posted stories regarding Mr. Musk's remarks on their sites, and those will be a focus of this campaign. Google AdSense has a network of over 3 million websites, and ads will be featured on those sites through AdSense. The campaign will likely explore placing ads on the sites that ran stories regarding Mr. Musk's tweets. As detailed in the media report, there are countless websites to consider. The price for these ads is based on a combination of ad size, location, market demand. Based on the factors that are used to calculate digital media, a minimum budget of \$1 million would allow ads to be placed in some (not all) of the digital media that published stories regarding Mr. Musk's defamatory comments.

Full Page Print Ads

The defamatory nature of Mr. Musk's statements warrants a robust reputation repair campaign that includes a corrective advertising component to counter the false statements that are online. Mr. Musk created a broad audience across the United States and the world to label Mr. Unsworth a pedophile, among other things; therefore, it will take a significant campaign to fix the damage.

Since there has been a massive amount of media coverage, including over 600 news articles, the campaign will require ads to be placed in newspapers, social media, online media as well as radio and television. Media coverage of a Musk apology in paid newspaper advertisements will garner media attention. The apology will likely appear prominently in news stories. The news stories that mention the full-page print ads can then be used by the digital repair team to displace the current harmful material regarding Mr. Unsworth. Full-page ads and the subsequent news stories regarding the public apology will be critical for the reputation repair effort for Mr. Unsworth.

As the case proceeds, a favorable outcome is likely to yield content that will be very helpful in building a positive reputation for Mr. Unsworth. For example, new articles that announce Mr. Musk has truly renounced his past claims against Mr. Unsworth and is taking out ads apologizing will create new useful content. News stories about the apology could be utilized to displace harmful content that presently populates the majority of search results.

While online use and its functions have rapidly increased over the years, the traditional news media of print, television, and radio are still essential mediums to implement into a reputation repair campaign. Print media consists of the various local and national newspapers, and also the digital versions that are offered by some of those newspapers today. Newspaper organizations will combine the circulation numbers of their physical and digital publications to give a more comprehensive figure of their total audience. Similar to websites where ad costs are based on the size and location of the ad, newspapers are the same where the more space the ad takes up, the more that the ad will cost. If an ad runs multiple times, you will pay more overall but less for each ad. Color ads compared to black & white ads also

factor into the total price. Another element of the newspaper ad pricing formula is the circulation number for that particular newspaper. The higher the circulation, the more potential there is for a higher amount of persons to see the ad. The amount of circulation factored in with the days of the week, and the section of the paper that the ad is placed in also plays an important role. Sundays are usually the most expensive day, regardless of national versus local newspapers.

Local and national newspapers use these factors in determining the rates of advertising in their respective paper. It would be my recommendation that a large focus of this campaign be full-page print ads in some of the major publications in which there were stories posted regarding Mr. Musk's remarks. This will ensure that the audiences who potentially saw Mr. Musk's statements in these various publications will then see his apology and real retraction to the defamatory comments he made. The publications in which the remarks were covered include The Washington Post, New York Times, Los Angeles Times, and San Diego Union-Tribune just to name a few. A full-page ad in the national edition of the Wall Street Journal [could run over \\$200,000](#).

The Los Angeles Times and Southern California News Group are two Southern California newspapers that I have placed ads in for clients in the last year. I am familiar with their pricing. A full-page ad in the Sunday Los Angeles Times can be purchased for \$31,154 per ad. The same ad in the Saturday paper would run \$26,480 per day. The Southern California News Group, which consists of several Southern California papers, has a daily circulation of 210,873 and a Sunday circulation of 442,319. A full-page Sunday ad costs \$31,000. The rates will be somewhat lower if you advertise on a daily schedule, but they are still in this same price range.

Based on the media coverage of this case, I believe that to run an effective reputation repair campaign for Mr. Unsworth and to place ads in some (not all) of the newspapers and magazines that repeated/published Mr. Musk's comments about Mr. Unsworth, a minimum budget of at least \$3 million will be necessary. This would allow Mr. Unsworth's team to buy ads in various publications across the country to ensure that those exposed to Mr. Musk's false claims are reached with the apology and retraction.

Television & Radio

Television ads are similar to print ads in that the market is broken down into local and national. National television spots are by far the most expensive medium for advertising regardless of the type of campaign. Television commercials themselves cost anywhere from \$50,000 to \$750,000 to write, shoot and produce. Mr. Unsworth can [expect to have to spend](#) between \$50 to upwards of \$2 million for a 30-second spot, depending on if the spot is placed on a local cable system or if the ad is run during prime time. While the cost to produce a commercial is about the same, the rates for cable television spots are somewhat less than those on basic networks. Cable television refers to those T.V. channels that one must pay a monthly cable subscription to access.

Based on current ad costs, I would estimate that Mr. Unsworth team would have to spend a minimum of two million dollars to have an effective radio and television ad campaign that is integrated into the overall campaign.

Summary of costs

Based on the amount of media coverage the false accusations, I expect that the reputation repair campaign for Mr. Unsworth will cost a substantial amount of money, as detailed below, and will comprise multiple different mediums which include social media, online, print, television, and radio.

These mediums are crucial to making sure that the target audience not only is exposed to the campaign but is influenced by it. Social Media and online are not considered the same advertising medium, as social media pertains more towards specific networks such as Twitter and Facebook, whereas online pertains more towards websites, blog posts, and other web content.

Analysis and Recommended Course of Action

My review of the information shows that the accusations made by Elon Musk completely devastated Vernon Unsworth's online reputation. The results are made up almost entirely of reports of the claims and stories about the lawsuit. No one can search "Vernon Unsworth" without being overwhelmed by content with extremely negative headlines and connotations. The campaign I am recommending will clean up and counter the pollution created by Mr. Musk's false statements. To begin to recover from this situation, I would propose a reputation program with the following elements:

- Conduct research to understand the best messages to use.
- Build owned properties (personal site, social media, profiles) that highlight Mr. Unsworth's biography, professional accomplishments, and other business or personal interests (i.e., caving, etc.)
- Promote the best content in ways that will help it outrank the negative content on an ongoing basis.
- Utilizing community-sourced content sources such as Wikidata, Wikipedia, Crunchbase, and others to ensure that factual and favorable content is seen as most relevant by the various search engines including Google.
- Highlighting positive third-party articles that the client helps identify – ensuring that these gain prominence over the negative pieces. Note that this will be an iterative process as new articles appear that can be further utilized.
- Utilize images and create video content to help ensure positive content is available and prominent.
- Attempt to identify every publication where stories of Mr. Musk's defamatory comments about Mr. Unsworth appeared and buy multiple full-page ads in each identified publication. The tailored ads crafted with the help of the research discussed in my report would appear in news outlets where the defamatory comments were repeated. The ads would have the effect of not only refuting the false story, but subsequently ensuring that the apology would appear in internet searches, and with the help of a professional digital team, show up higher in search results than the original allegations.

It is my view that an effective reputation management campaign, consistent with the tasks described herein, is necessary to mitigate the harm to reputation that naturally results from defamation. Based on my professional experience, the costs to repair Mr. Unsworth's reputation from the damage caused by Mr. Musk are estimated to a reasonable degree of professional certainty as follows:

Estimated Campaign Costs

Reputation management costs are based not only on creating and optimizing web content but moving multiple sites up in search results. Many resources will be needed for an effective reputation management campaign. I arrived at the figures in the above based on my professional experience implementing similar programs over the past 30 years in this business. It is not unusual to have reputation repair campaigns that exceed \$500,000 per month, even for a single individual. To put the costs in perspective, in 2018 Michigan State University spent over [\\$500,000 in one month](#) with a

public relations firm to simply monitor the impact on Michigan State surrounding Larry Nassar, who was convicted in the US Olympics gymnastics scandal.

Task	Estimated Cost
Strategic research	\$300,000/one time
Website creation, including registration and hosting. This does not include multiple languages	\$5,000/one time
Website updates	\$75,000/year
Newspaper Ads	\$3,000,000/year
Online Twitter Ads	\$1,500,000/year
News-based websites Ads	\$1,000,000/year
GoogleAds	\$2,000,000/year
PR Firm to implement reputation repair campaign	\$216,000/year
Television & Radio ads	\$2,000,000/year
Online Reputation Management Program Google.com in the US (English)	\$750,000/year
Online Reputation Management in Google.co.uk in London (English)	\$500,000/year
Online Reputation Management in Google.co.th in Thailand (Thai/English)	\$500,000/year
Online Reputation Management in Google.fr in France (French/English)	\$500,000/year
Online Reputation Management in Google.de in German (German/English)	\$500,000/year
Additional Locations/languages Recommended: Singapore, New Zealand, Norway, Ireland, Australia, Hong Kong, Canada, Netherlands, Denmark, Portugal, Sweden, etc.	\$500,000/year Each added location.
Creation of social media profiles and initial population	\$75,000 one-time cost per language
Note: As part of the Online Reputation Management Program Google.com, the vendor selected would be responsible for the creation of social media profiles and the population of content after the sites are created.	

The cost for the program I am recommending is a conservative estimate of costs for a comprehensive reputation repair strategy for only one year of implementation. If I were implementing this repair strategy, my advice would be that it would take at least two years to be effective and that the likely numbers would be higher than my conservative estimates.

Summary of Opinions

I offer the following opinions based on the information I reviewed, which is detailed in this report and/or referenced in the exhibits. A neutral and reasonable person would conclude from the record that the reputation of Vernon Unsworth has been harmed irreparably and that he will forever live under a cloud caused by the actions of Elon Musk.

There is obviously damage done to a reputation when negative statements are made in public about the person. However, if coverage of the negative information is more widespread—in this case because the instigator of the negative information, Elon Musk, has a large public presence and his statements are widely repeated—the damage is enhanced. The level of counter-information must be such that it matches coverage of the negative information in order to ameliorate the damage. The measures I have suggested will begin the process of ameliorating the damage done to Mr. Unsworth, and should also

include Mr. Musk publicly admitting his accusations were false and then to ensure widespread publicity attaches to his retraction because that would remove any credibility a third party might attach to his statements.

Based on my over 30 years of experience in media relations, communications, and crisis management, my professional opinions and conclusions are to a reasonable degree of professional certainty the following:

- Using his stature as a respected CEO, Mr. Musk attempted to buttress his sensational comments about Mr. Unsworth that by challenging reporters to investigate his claims.
- The false allegation that Mr. Unsworth is a pedophile and child rapists have been broadly spread across the United States and the world and have attached a strong taint of guilt to Mr. Unsworth.
- The internet provides eternal defamation, thanks to content retention. One cannot search Mr. Unsworth's name without seeing Mr. Musk's comments calling him a pedophile.
- Allegations of pedophilia, child sexual abuse, and rape carry severe consequences for the accused. Any statement accusing another person of pedophilia, sexual abuse, and rape that is, in fact, false has obvious negative consequences to one's personal and professional reputation. Mr. Unsworth chose a public recourse to clear his name and prove his innocence by bringing a lawsuit for defamation to demonstrate that Mr. Musk knowingly communicated false information.
- A traditional reputation repair strategy would involve using social media and blogs to correct the many false statements. That strategy on its own is not enough because it will not likely reach all those exposed to the allegation or be able to deliver the desired impact in correcting the record. The campaign must be supplemented with full-page ads in newspapers and ads on social media platforms with a formal apology from Mr. Musk setting the record straight. I would advocate for multiple full-page ads in each identified mainstream or online publication where the false and defamatory allegation(s) appeared or where there was news coverage of the allegations. This would also entail running radio and television ads. The tailored ads would have the effect of not only refuting the false story but subsequently increasing the likelihood that the apology would appear in internet searches, and likely higher in search results than the original allegations. I would recommend a social media program with the same messages being developed.
- Upon a verdict finding that defamation occurred, I would recommend that the campaign outlined in my report be implemented.

Conclusion

I offer the following conclusions and opinions to a reasonable certainty. The records support Mr. Unsworth's contention that his reputation has been diminished in a consequential way. A neutral and reasonable person would conclude from the record that there has been a negative impact on his reputation.

After reviewing all the documentation detailed in this report and its exhibits, it is clear that Mr. Unsworth has experienced harm both in the short and long term. As the adage goes, "The slate can

never be wiped clean.” It is my opinion that the statements made by Mr. Musk were designed to cause hatred, contempt, and reputational injury to Mr. Unsworth. The evidence I reviewed indicates to me that Mr. Musk’s actions included numerous efforts to challenge Mr. Unsworth by questioning him as a person, not on the merits of his criticisms of the submarine plan. The pushing for a journalist to publish false information about Mr. Unsworth and the tweets Mr. Musk made are prime examples of his efforts to cause public hatred, ridicule, and reputational injury to Mr. Unsworth.

The harm created by Mr. Musk’s statements are multi-fold. First, the fact that Musk has a large public presence, both via news coverage of him and his social media following, elevated the damage done. Had a person without that public presence made such statements, the coverage of the statements and subsequent damage would have been far less. Musk’s public presence, combined with the credibility he has earned over the years amongst the public and his followers, enhances the damage done by these statements.

It is my view that the award must be sufficient for Mr. Unsworth to implement a reputation repair campaign as described in my report. It is my view that Mr. Unsworth should also be compensated for the damage to his reputation. I would hope that a jury would recognize the long and detailed process that Mr. Unsworth must now undertake to vindicate his good name.

I can say from my experience that it takes time and a sustained effort for the stress, hurt, and humiliation caused by reputational damage to go away. In my professional opinion, the record supports Mr. Unsworth’s contention that his reputation was diminished in significant ways by the actions of Mr. Musk.

Noting that there may be further developments to come in this case, I reserve the right to supplement and/or amend these conclusions and opinions.



Eric W. Rose
September 10, 2019



**Exhibit A - Media Coverage Unsworth Case
Media Coverage (Internet)**

- <https://trends.google.com/trends/explore?date=2018-07-10%202018-07-17&geo=US&q=vernon%20unsworth>
- <https://www.theguardian.com/news/2018/jul/10/elon-musk-queries-expertise-of-thai-cave-rescue-officials>
- <https://www.bloomberg.com/news/features/2018-07-13/-the-last-bet-the-company-situation-q-amp-a-with-elon-musk>
- <https://www.telegraph.co.uk/news/2018/07/14/elon-musk-can-stick-submarine-hurts-says-british-diver-helped/>
- <https://fortune.com/2018/07/15/elon-musk-thai-rescue-diver-pedo-guy/>
- <https://www.theguardian.com/technology/2018/jul/15/elon-musk-british-diver-thai-cave-rescue-pedo-twitter>
- <https://www.theguardian.com/uk-news/2018/jul/16/british-diver-in-thai-cave-rescue-stunned-after-attack-by-elon-musk>
- <https://www.scmp.com/news/asia/southeast-asia/article/2155383/elon-musk-calls-british-diver-thai-cave-rescue-pedo-bizarre>
- <http://fortune.com/2018/07/16/elon-musk-pedo-tweet-tesla-stock/>
- https://www.washingtonpost.com/technology/2018/07/16/elon-musks-pedo-attack-rattles-tesla-investors-this-thing-is-unraveling/?noredirect=on&utm_term=.1d0948a763d4
- <https://www.buzzfeednews.com/article/hazelshearing/musk-apologizes-for-the-cave-comments>
- <https://www.dw.com/en/teslas-elon-musk-apologizes-for-pedo-comment-on-thai-cave-rescuer/a-44682805>
- <http://time.com/5341647/elon-musk-british-cave-diver-apology-pedo/>
- <https://www.nytimes.com/2018/08/16/business/elon-musk-interview-tesla.html>
- <https://www.buzzfeednews.com/article/ryanmac/elon-musk-revisits-baseless-pedophile-claims>
- <https://www.buzzfeednews.com/article/ryanmac/the-british-diver-elon-musk-called-a-pedo-threatened-to-sue#.bxggOOE8J>
- <https://www.cnn.com/2018/08/29/tesla-ceo-elon-musk-reignites-pedo-guy-cave-diver-controversy.html>
- <https://www.buzzfeednews.com/article/ryanmac/elon-musk-thai-cave-rescuer-accusations-buzzfeed-email>
- <https://www.dw.com/en/elon-musk-wont-stop-calling-diver-a-pedophile/a-45372611>
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Twitter

Note: The spelling errors in the Tweets below were not corrected.

- The former Thai provincial governor (described inaccurately as “rescue chief”) is not the subject matter expert. That would be Dick Stanton, who co-led the dive rescue team. This is our direct correspondence:

From: Richard Stanton
Date: July 8, 2018 at 10:13:12 AM PDT
To: Elon Musk
Subject: Re: [REDACTED]

We're worried about the smallest lad please keep working on the capsule details

Sent from my iPhone

On 8 Jul 2018, at 08:48, Elon Musk <[REDACTED]>

Sounds good, will continue.

Parts are being assembled and will undergo testing in water in a few hours. Will send pics and video. However, don't want to put it on a plane if you think there are important changes needed. Operating principle is same as spacecraft design — no loss of life even with two failures.

On Jul 7, 2018, at 6:30 PM, Richard Stanton <[REDACTED]> wrote:

It is absolutely worth continuing with the development of this system in as timely a manner as feasible.
If the rain holds out it may well be used.

Sent from my iPhone

On 8 Jul 2018, at 08:20, Elon Musk <[REDACTED]> wrote:

Understandable.

Right now, I have one the world's best engineering teams who normally design spaceships and spacesuits working on this thing 24 hours a day. We are trying to get it right in a very short period of time.

If it isn't needed or won't help, that would be great to know. Otherwise, it would be very helpful to have as much design direction as possible.

<https://twitter.com/elonmusk/status/1016684366083190785>

○



(Since Deleted)

- Musk's reach is huge. He's a prominent public figure. It's one thing to be called a pedo by some random asshole on Twitter, it's another to be called that by someone like Musk. If Musk says something, given how intelligent he is, I'm naturally going to assume he's right.
<https://twitter.com/cvnerve/status/1042161982915444742>
- Pretty weird hill for "journalists" to set up camp if we're honest. Do you really think Musk is going to risk these statements without knowing he can defend them if necessary?
<https://twitter.com/tokuingoa/status/1037239319310651392>
- Because when Musk first called him a "pedo" the guy said he was going to sue him. Then Musk went quiet, now a few months later Musk had started again which means he is not bothered if the guy tries to sue because He must have proof!
<https://twitter.com/RAB/status/1037407978821967872>
- My proof is that people wouldn't suspect Vern in pedophilia if there wouldn't be any ground for it...Elon Musk call him pedo not just because Vern diminished his team super effort to help, he called him so mainly because he's got an information that Vern is pedophile!
<https://twitter.com/IrinaAntony/status/1037391436134666242>
- But is dude a pedophile? Maybe Elon Musk has proof that he is or saw something. No one calls another person a "pedo" for nothing.
<https://twitter.com/EbonyApplePy/status/1019578552851795970>
- With so much pedo activity coming to light lately wouldn't surprise me and wouldn't Musk already be in the know of a lot of this? After all he is rubbing elbows in at the highest level because of his wealth, pedo swirls at that level, so my guess more truth than reactivity
<https://twitter.com/CryptoJunkiesCO/status/1018593851173269504>
- I don't support Elon's accusation without evidence. However, Britain has a problem of Paedophiles who hide in plain sight and who even got knighted. Jimmy Saville for example. I wouldn't be surprised if someone were to really dig and find Unsworth not that different from Saville. <https://twitter.com/OfficialABQ/status/1038186366906064896>

- It might be hard for him to produce evidence. But he's obviously been tipped off about something. Don't assume you know the truth.
<https://twitter.com/MacMopsus/status/1041856893646299136>
- Elon must know something everyone else doesn't....
<https://twitter.com/mindthreat/status/1041817354160820225>
- "Integrity is the most important value in my life and the facts will show I never compromised this in any way" -Elon Musk https://twitter.com/heikki_anttila/status/1078387281399083009
- Oh, sorry, he's calling the guy who found the children a pedo. Real classy, [@elonmusk](https://twitter.com/GossiTheDog/status/1018513062855364608).
<https://twitter.com/GossiTheDog/status/1018513062855364608>
- It's now acceptable to slander the guy for being a pedophile without having any fucking proof at all!
<https://twitter.com/SkullAberration/status/1018533960287125509>
- Elon has money and is smart. You don't know if he has proof. This guy can turn around and sue him for lots of money so let's see how this plays out. If no lawsuit then 
<https://twitter.com/marindmode/status/1018540765239103489>
- Elon Musk has 22 million followers, many of them fanboys. When he calls someone a child rapist because they challenge him online, his stans listen. Incredibly messed up. Incredibly dangerous.
<https://twitter.com/studentactivism/status/1018537553727774721>
- I honestly thought we were maybe misinterpreting the "pedo" comment but turns out..... We were not
<https://twitter.com/ashleyfeinberg/status/1018517150259179522>
- What I don't understand is all the attack? he was asked for help told them know until they kept pushing and pushing so he finally built an invention that despite what you might read actually works, then gets pissed on by everyone. How are you so quick to judge?
<https://twitter.com/Dom879879/status/1018556117612261376>
- I would welcome assistance from expert divers, not a con man whose cars set themselves on fire at charging stations, lol.
<https://twitter.com/BirchandMaple/status/1018546813962371074>
- Absolutely contemptible behavior, Elon Musk is an ignorant clown.
<https://twitter.com/EuanDBriggs/status/1018514451790811136>
- How very childish of you [@elonmusk](https://twitter.com/elonmusk) ! I see you've deleted the tweet.....might be appropriate to apologies as well.
<https://twitter.com/twistedsis74/status/1018589283618316293>
- I think it is admirable that he wanted to help but it is irresponsible & defamatory to make a gay slur against the guy on social media when he has no proof of that & it's like high school in years past when u want to try and "hurt" someone you call them GAY like it's a bad thing
<https://twitter.com/gkkguy/status/1018553188503511040>
- The guy who found them has nothing to say about the coach who took them there but want to talk sh\$t about people trying to help.
<https://twitter.com/marindmode/status/1018539096686227456>
- Because the rescuers of the "Thai Boys" [sic] question his motives and called it a "publicity stunt" on behalf of Musk. He even stooped to call the British Ex Pat a pedophile for living in Thailand....irresponsible, defamatory and childish
<https://twitter.com/gkkguy/status/1018524797301673985>
- Not saying Vern didn't contribute, maybe he did, but the only source of his contribution is his own interview with CNN. Hard to see a guy tooting his own horn as a credible source of info.

- <https://twitter.com/antarpreetsingh/status/1018562737092227072>

 - You fail to understand whether or not Rick contributed, is irrelevant. Musk called him a pedo without probable cause.
- <https://twitter.com/DMalekM/status/1018899345251315712>

 - Check full video. Elon just returned more vivid insult from the diver... sometimes ppl say things not fully thought trough
- https://twitter.com/Fl_r/status/1018563243705536520

 - ... and thank u for lovely image in all this crap Musk has kicked up. I don't know if the sub would have worked, from an empirical point, they did not need it as they got them out. It is not about the BEST solution - it's about getting the job done. But WTF idiot Musk
- <https://twitter.com/stevehomeruk/status/1018693853988171776>

 - How could anyone in his/her right mind ever call a "guy who found the children" a pedo? Because that's totally not what they do and stuff.
- https://twitter.com/bennett_im/status/1018570237422153728

 - What abt the unproven allegation of PR stunt. This guy has helped more ppl than you ever will, from Puerto Rico to Flint. As Asian i can vouch tht many white westerners exploit kids nwomen when staying in Asia. Verns comment abt Thai divers shows wat a condescending prick he is.
- <https://twitter.com/horselover868/status/1018667734928781312>

 - If he was trying to help, I'm pretty sure he'd be overcome with relief that the boys got rescued, as opposed to petty points scoring and name calling with folks who helped.
- <https://twitter.com/alister667/status/1018531698261286912>

 - Musk is a sh*thead billionaire, who is still terribly disappointed he couldn't be the big Thai rescue hero with his impractical toy sub. A limelight addict with no idea about the cave situation. Calling Unsworth a pedo was disgusting.
- <https://twitter.com/Sherlizz/status/1018932749560934400>

 - Very disappointed in [@elonmusk](#) during this Thai episode. Jumped on a PR opportunity, throws his expensive toy out the pram when told it *so obviously* wouldn't work and now disrespecting heroes involved who clearly did a super human feat in rescuing boys.
- <https://twitter.com/FitzmauriceRich/status/1018834414615322625>

 - As this well-written article suggests, my words were spoken in anger after Mr. Unsworth said several untruths & suggested I engage in a sexual act with the mini-sub, which had been built as an act of kindness & according to specifications from the dive team leader.
- <https://twitter.com/elonmusk/status/1019471467304513537>

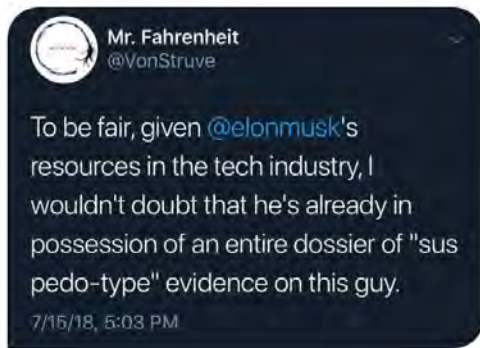
 - Nonetheless, his actions against me do not justify my actions against him, and for that I apologize to Mr. Unsworth and to the companies I represent as leader. The fault is mine and mine alone.
- <https://twitter.com/elonmusk/status/1019472152796381185>

 - Knowing you [@elonmusk](#) as a good man, I was sure that you would make apologies. We, your supporters, are proud of you in this action. You have be pushed back to the wall by all critics and hatters, you lost control. Keep head up. We are around you to love you.💙
- <https://twitter.com/LilFrenchie6/status/1019655350369292294>

 - Respect you Mr [@elonmusk](#) ... it takes a real man to admit his error and apologize... even if to others the error appears justified [#behumble](#) [#takethehighroad](#) [#bebetterthanthem](#)
- <https://twitter.com/CraigGriebenow/status/1019829050896998400>

 - You are the bigger man, he doesn't deserve an apology, but that's OK, some people may see it that way. Either way, life goes on, and that old sun keep coming back to tell us there's work that needs to be done. In this big game, you are a big piece of it. Cheers!
- <https://twitter.com/penguininfire/status/1019650505520402433>

- We all get angry sometimes! You were trying to help and it didn't seem appreciated. I'd be angry too. Don't worry about it, we still love you.
<https://twitter.com/Wigpidgeon/status/1019668279634333697>
- I never follow this account before until I read about this mess in the news. There really are something wrong with all the critics. How come being a leader of company mean you need to lose your right of being upset by people's statement? WTF is wrong with you all people?
<https://twitter.com/Roytjandra88/status/1020394472700432384>
- Surely you're intelligent enough to realize, that the diver that Elon referred to as a 'pedo' verbally abused Elon first? Elon retaliated, and has admitted that he should not have, and has since apologized. However it is important to note whom acted first.
<https://twitter.com/ryt0ke/status/1020838463849967620>
- You don't think it's strange he hasn't sued me? He was offered free legal services. And you call yourself @yoda ...
<https://twitter.com/elonmusk/status/1034481160783585280>
- Dude, are you seriously daring someone to sue you for defamation, and taking his inaction as encouragement to defame him more? Have you completely lost your moral compass here? Don't punch down.
<https://twitter.com/LloydWaldo/status/1034546197376237568>
- How about just human....and not so self-centered as to try and protect his own image. Personally, I find him refreshing and very endearing! Which is even more of a bonus on top of what I already knew of him which was a respectable hard working visionary...
<https://twitter.com/peoplesbutler/status/1034586161535234049>
- Dude. Elon. I'm an Electrical Engineer and majorly respect the vision and accomplishments of your companies. But this is fucking embarrassing and pathetic. Don't demoralize your followers and the thousands that work for you with this nonsense.
https://twitter.com/anxious_herzog/status/1034544742980235264
- Elon Musk sent me an email last week. In it, he accused a British cave rescuer of being "a child rapist" who took a "12-year-old bride." He didn't provide any evidence of those claims. He also called me a "fucking asshole."
<https://twitter.com/RMac18/status/1037084428147642369>
- I'm one of many Tesla investors who will say @elonmusk, right or wrong, no more of this Thai rescuer feud drama please! Just keep building awesome EVs and rockets.
<https://twitter.com/scottwww/status/1037168744387108864>
- Unsworth was willing to accept Musk's apology like a gentleman. Then Musk double-downed and started up again. There are considerable financial implications in bringing a lawsuit against a multimillionaire. Musk pushed it too far and now he's getting sued.
<https://twitter.com/nataliecvincent/status/1037322795707981835>
- Hueston Hennigan LLP is withdrawing from representing Elon Musk in his defamation case that's being brought by British cave rescuer Vernon Unsworth.
<https://twitter.com/RMac18/status/1136050769038151680>



○

Facebook


- https://www.facebook.com/news6/posts/10156747267722210?comment_tracking=%7B%22tn%22%3A%22O%22%7D
- <https://www.facebook.com/ConsciousAwarenessForAll/posts/-tesla-ceo-elon-musk-accuses-thai-cave-diver-vernon-unsworth-of-being-a-pedophil/1954019667992366/>
- <https://www.facebook.com/FOX10News/posts/10156829941338944>
- https://www.facebook.com/MichaelYonFanPage/posts/10155760235885665?comment_id=10155760250945665&reply_comment_id=10155760290015665&comment_tracking=%7B%22tn%22%3A%22R%22%7D
-

Reddit

- [Elon bets someone a signed dollar that a hero diver is a pedophile](#)
- [Elon Musk calls British diver who helped rescue Thai schoolboys 'pedo guy' in Twitter outburst](#)
- [Elon Musk calls British diver who helped rescue Thai schoolboys 'pedo guy' in Twitter outburst](#)
- [Elon Musk doubles down on 'pedo' claims against UK cave diver](#)

Photo





Haters gonna hate

Haters be hating!

Plan B
Active Member

Joined: May 8, 2015
Messages: 3,898
Location: EARTH

Plan B, Jul 15, 2018 #72

CorneliusXX said: ↑


It's likely there is no evidence. Elon was probably out blowing off some steam after a long 6 months of production hell and tweeted under the influence.

Maybe but that's such an odd, serious thing to say about someone without any facts.

Like x 1

Photo





commasign
Tesla Superfan

Joined: Aug 31, 2013
Messages: 2,177
Location: Davis, CA

commasign, Jul 15, 2018 #74

Plan B said: ↑

Maybe but that's such an odd, serious thing to say about someone without any facts.

Agree. Oddly specific insult. There are plenty of other insults he could have used.

Like x 1



DaveT, Aug 29, 2018 #4


He probably has some decent evidence from the guy's past or else he wouldn't push it like he is.

DaveT
Searcher of green pastures



Joined: Nov 15, 2012
Messages: 3,216
Location: San Diego

Like x 2



DaveT, Aug 29, 2018 #7

Tam said: ↑

His priority is all messed up.



He needs to go to police to report the pedo, and not Twitter.

This case reflects poorly on his leadership!

His approach is definitely controversial, and I'm not denying that. But it appears this is important to him and he's not going to let it go. Also, perhaps there's possibility that it's something from the past and it's already been reported and prosecuted by the authorities... thus that's how he knows and why he's surprised nobody has looked into it.

Informative x 2 · Helpful x 1 · Like x 1

DaveT
Searcher of green pastures



Joined: Nov 15, 2012
Messages: 3,216
Location: San Diego



SSonnentag, Aug 29, 2018 #9

I can't see anyone calling someone a "pedo" without some reason. It's not a common term when name calling. Elon most likely saw or knows something that is eating at him. What do we actually know about Vern Unsworth's past? Why has he opted to spend so much time in the sex capitol of the world? Are the caves there really that unique from all of the rest of the world's caves?

Like x 1

SSonnentag
Supporting Member



Joined: Apr 11, 2017
Messages: 657
Location: Phoenix Valley, Arizona

Exhibit B

The ABCs of Source Attribution — and Tips on Negotiating It

<https://www.summitas.com/officeblog/34004139776780634205>

In a recent post, we explained that you can't impose the confidentiality of information on a journalist — confidentiality is negotiated and agreed upon. In addition, you must negotiate how that information will or won't be attributed. For example, is it "not for attribution" or "on background"? The problem is, no one agrees what these words mean.

It's best to clarify the terms of an interview *before* the interview (preferably by email), or everything the source says is automatically on the record. Unless the entire interview is on the record, any other arrangement (for example, going off the record for the answer to one question) must be clarified. It's important to understand exactly what the reporter will do with this information and how it will be attributed.

For example, "off the record" status can't be granted retroactively. Will a journalist sometimes allow that? Of course, but it all depends on the relationship between reporter and source and whether that reporter wants to use the source in the future.

Because there's so much confusion about what these attribution terms mean, it's important to spell out your understanding. For example, you might say to a reporter, "I can tell you this 'not for attribution,' meaning you can quote it but only from an anonymous source."

And it's best to agree on how the anonymous source will be identified in the piece. Remember that the reporter has to disclose enough information to show that the source is knowledgeable — that she has the authority to speak on the subject — and, increasingly, to show why she doesn't want to be identified.

For example, what provoked our [previous post](#) on this subject was an email written to *The Washington Post* by a bystander to the marital capers of Amazon founder Jeff Bezos. In a March 2 *New York Times* [article](#) on that situation, reporter Amy Chozick separately cited "a person in Mr. Bezos's camp, who was not authorized to speak on the record" and "one former Amazon executive, who signed a nondisclosure agreement and could discuss the company only anonymously."

Another tip: It's never a good idea to switch frequently between on the record and off the record. Journalists are human and, in taking notes, can make mistakes labeling the information. (An off-topic tip: If you want to increase your chances of being quoted correctly, talk slower.)

Brief Discussion

Here's a further, brief discussion of the attribution terms:

On the record: This is the default status of all interviews if a journalist has identified herself as a reporter. Everything you say can be quoted, either directly or indirectly, and attached to your name for the public to see.

Off the record: Most people accept “off the record” to mean that the information cannot be used in any fashion or attributed to the source. Some people also use it to mean that the journalist can use the information and not attribute it directly to your name, but to some sort of identifying information about you, for example, an employee at a company who did not want to reveal his name for fear of losing his job. Using information from a source attributed anonymously is also known as “not for attribution.”

On background: Some people take this to mean that a reporter may use and attribute information to a person’s name but not directly quote them. Others take it to mean that the information can be used in the piece but not attributed to the source.

On deep background: A reporter may use the information to inform further reporting (e.g., going to another source who can give the same information on the record), but cannot report the information nor attribute it to the original source in any fashion.

There are other permutations such as “deep deep background,” but no one really knows what that means.

— Eric Rose and Thom Weidlich



ERIC W. ROSE

Curriculum Vitae

Court Qualified Expert Witness

Nationally Recognized Media and Communications Expert

Eric Rose is a veteran executive in public relations, marketing, and communications with over thirty years of experience, including ten years as a partner in the largest independent public relations firm in Southern California. Eric has provided counsel to hundreds of clients in a broad range of industries including business, government, and non-profit at the local, national, and international levels.

Eric is a nationally recognized expert in law and litigation, crisis communications, reputation management and image repair and counseling. Eric has created public relations and marketing/communications programs for the legal profession and has provided litigation support throughout the United States. Additionally, for the past several years, Eric has served as an expert witness and for decades, has functioned as an expert information source and analyst for the mass media on issues relating to crisis communications, image repair and reputation management. He is a respected court-qualified expert witness and has opined on issues relating to crisis communications, defamation, damaged image, and reputation prevention and repair.

Areas of Expertise

- Crisis Communications
- Reputation Management
- Brand Management
- Strategic Communications
- Corporate Civic Engagement
- Social Media
- Defamation
- Public Relations

Eric specializes in communicating complex litigation issues so they are understandable, tangible, and compelling to the targeted audience. His most successful work includes formulating communication strategies in preparation for and during litigation and previewing potential outcomes to key audiences in order to create and shape an environment favorable to the client's position. Eric has also been very successful in preparing post-verdict communications strategies to publicize favorable verdicts, diminish unfavorable verdicts, and present his clients and their attorneys in the best possible light.

Professional Experience

Englander Knabe & Allen, 2008–Present

Partner, Los Angeles, CA

Englander Knabe & Allen is a strategic communications firm specializing in lobbying, public affairs, crisis communications, and litigation support. The firm practices its trade at the intersection of law, media, and public perception, which brings a depth of critical understanding and a breadth of resources and experience that are unique in the public relations field. The *Los Angeles Business Journal* consistently ranks EKA as the largest Los Angeles–based independent public relations agency. EKA has a national reputation for excellence and, as a result, many of the firm’s clients are Fortune 500 companies.

Eric Rose is the practice leader of crisis and litigation practice. He works with a specifically tailored team of attorneys, media and public affairs specialists, and experts pertaining to the field of inquiry who are carefully selected to meet the client’s needs. Eric’s team connects case facts with legal or policy arguments designed to both inform and persuade audiences.

Eric advises clients on corporate reputation and special issues including environmental and safety issues, major litigation (such as class actions and fraud), natural and man-made disasters, labor disputes, product recalls, layoffs/plant closures, as well as crisis management and social media vulnerabilities. With more than twenty-five years of experience handling print and television investigative reporters, Eric successfully prevents hostile stories from appearing in print, television, and on the internet.

Expert Witness Work

Because of Eric’s background in working with law firms and being involved in litigation communication, often involving their clients who were in trouble (i.e. defendants), or in a crisis (i.e. plaintiffs), Eric has amassed a great amount of experience and expertise in aiding and counseling people, business, and other entities who are in a crisis. While Eric primarily focuses on long-term client engagements, he also provides expert witness testimony. The bulk of the cases have primarily been in the areas of libel, slander, defamation, reputation repair, and damage to a future professional career. Eric has never been disqualified as an expert.

Rhonda Holmes v. Courtney Love

Eric provided expert testimony in a precedent-setting case involving Courtney Love, who was sued for posting a tweet about her former attorney. This was the first trial in the United States involving allegations of defamation on Twitter. Eric provided expert witness testimony regarding crisis communication, media relations, and reputation management. After an eight-day trial, a jury decided that Courtney Love should not be held liable for a tweet directed at her former attorney Rhonda Holmes. California, January 2014

Jacob Haiavy v. Theodora “April” Morris

Eric was an expert witness for a well-known doctor who sued his patient for defamatory comments on social media websites. Eric provided expert opinion and analysis on how it is nearly impossible to remove defamation from the internet. His analysis included a detailed

overview of the steps necessary for content removal and the cost of rehabilitating the doctor's good name and businesses. Eric examined the impact and dissemination of the comments on social media websites and how those comments harmed the doctor's professional reputation and economic condition. Eric's client won the case and was awarded the amount Eric recommended for rebuilding the doctor's reputation. California, February 2016

Dr. Jose Lopez v. Healthcare Group and OptumRx

Dr. Lopez sued two insurance companies after his patients began informing him that their pharmacists would no longer fill their prescriptions. Over six-months, the patients were being falsely informed by the defendants that Dr. Lopez was a sanctioned provider by the federal government and unable to write prescriptions. Eric was retained to address the effects of the dissemination of false information to the doctor's professional reputation in order to determine the appropriate standard of care/crisis response that should have taken place, while provided an overview of action necessary to recover the doctor's good professional reputation. A three-judge binding arbitration panel heard the case and they awarded Dr. Lopez \$1.5 million dollars. Florida, November 2016

Dr. Henry Higgins & Dr. Nathaniel v. Dr. Rena Salyer

Dr. Henry Higgins and Dr. Nathaniel Greenwood sued Dr. Rena Salyer for damage to their reputation after Dr. Salyer allegedly spreading false and defamatory information to employees, patients, the community and the media. Eric was retained to address the effects of disseminating false information on the doctor's and practice's professional reputations. Eric was asked to provide analysis, offer an opinion on the potential impact and damage to their image, and examine the impacts to the practice as a result of the alleged acts and offer his expert opinion on the steps the plaintiffs should consider taking to recover their good professional reputation and lost business. The case is pending. Texas, January 2018

Carter v. Louisiana Pacific Corporation

Cassandra Carter and her friend were on a second story deck with a concrete patio below when without warning—the deck gave way underneath and they fell to the concrete patio below, where they suffered serious injuries. Carter sued the manufacturer (Louisiana-Pacific Corporation), the contractor, the wholesaler and the distributor Taiga. Taiga retained Eric and he provided analysis and offered an opinion regarding corporate communication, crisis management, and the recall instructions to Taiga. Eric offered his views on the reports of the other experts who attempted to shift the blame to Taiga. The day after Eric's deposition, Louisiana-Pacific Corporation settled the case and Eric's client did not have to pay any damages. Nevada, April 2018

CMFG Life Insurance Company et al. v. Banc Insurance Agency, Inc

Plaintiffs CUNA Mutual and TruStage Insurance Agency, LLC sued Defendants Banc Insurance Agency, Inc., and Jeffrey Chesky for defamation and tortious interference based on false and defamatory statements which Defendants communicated to CUNA Mutual's current and potential customers with the intent of trying to convince those customers not to do business with CUNA Mutual. It is alleged that the defendants repeatedly and intentionally communicated false statements to CUNA Mutual customers regarding its business practices. The CEO publicly asserted false and defamatory communications with intent to harm CUNA Mutual's reputation and interfere with its current contractual and customer relationships.

Eric was asked to provide analysis and offer an opinion on the potential impact and damage to CUNA Mutual's reputation. He was asked to offer his opinion regarding the steps CUNA Mutual should take to repair the harm to its good professional reputation and to offer his professional opinion on damages associated with repairing the damage to CUNA. The Federal Court case settled in May 2018.

Johnney Bennerson vs. Shelley Stevens

Johnney Bennerson, Shelley Stevens and others were celebrating at a company dinner and afterwards, Ms. Stevens became intoxicated and exceedingly flirtatious with several males. Following dinner, the group broke up and Mr. Bennerson eventually retired to his room. Ms. Stevens, perhaps embarrassed by her drunken displays and flirtatious behavior, concocted a false and defamatory story that evening about Mr. Bennerson coming onto and propositioning her. Ms. Stevens then spread malicious lies within the company about Mr. Bennerson for the explicit purpose of retaliating and wrecking Mr. Bennerson's reputation. Eric was asked to provide an analysis regarding the reputational harm to Mr. Bennerson and to address the effects of disseminating false information. After a jury trial, Mr. Bennerson was awarded \$150,000.

Steven Krawatsky et al. v. Rachel Avrunin et al.

Rabbi Steven Krawatsky was fired from a private Jewish school in Pikesville, amid allegations he abused boys at a camp. He denied the allegations and was never charged with a crime. Rabbi Steven Krawatsky and his wife, Shira, filed a lawsuit claiming several parents engaged in an effort to destroy his reputation and ability to earn a living. He sued the New York Jewish Week for defamation, invasion of privacy, and intentional infliction of emotional distress. Eric was retained to address the effects on Rabbi Steven Krawatsky's professional reputation as a result of the dissemination of false information. Eric was asked to provide an analysis and offer his opinion on the potential impact and damage to the Rabbi's image and examine the impacts to his reputation arising from defamation. Furthermore, Eric provided his expert opinion regarding the reporting of this information based on my lengthy experience working with reporters to correct false and misleading stories. Eric was also asked to provide recommendations on the steps Rabbi Krawatsky and his wife should consider to recover the Rabbi's professional reputation. The case is pending in Maryland state court.

Tammy Na vs. Joo Chan Kim

Tammy Na was at her apartment pool when she encountered Joo Chan Kim. Mr. Kim assaulted Na by throwing a beer bottle towards Ms. Na after yelling that she had splashed him with water. Mr. Kim then used profanity and threatened to kill Ms. Na. Unknown to Ms. Na who is a highly respected artist, Mr. Kim took photos of Ms. Na and posted photos of her on a popular Korean website. The post contained offense language and accused Na of engaging in sexual acts with a large number of people, all of which was not true. Eric was retained to address the effects on Na's personal reputation as a result of the dissemination of false information. Eric was asked to provide an analysis and offer his opinion on the potential impact and damage to Ms. Na's image and examine the impacts to her reputation. After the first day of a jury trial, the case was settled to the satisfaction of Ms. Na.

McGlothlin v. Hennelly

James McGlothlin is a founding member of The United Company, which is the parent company of Scratch Golf, LLC. The company owns the Hilton Head National Golf Club. Mr. Hennelly posted a link on Facebook to an article about a corruption investigation involving then Virginia Governor Bob McDonnell and monies Gov. McDonnell's wife received as a consultant to The United Company. Mr. Hennelly was also accused of making defamatory comments on Facebook about Mr. McGlothlin. Eric was retained to provide an analysis of reputational harm and offered his professional opinion on damages associated with repairing the damage to Mr. McGlothlin's reputation caused by the dissemination defamatory information. The case is pending in US District Court for the District of South Carolina.

Gish v. Le Sage

Dr. Robert G. Gish sued his former spouse Celeste E. Le Sage for defamation and to overturn portions of their divorce settlement. In the lawsuit, Dr. Gish alleges that his ex-wife sent emails to 80 friends, business associates and relatives stating among other things that Dr. Gish was abusing alcohol and was a danger to his patients. Dr. Gish alleges that his business and reputation was impacted as a result of libelous comments. Eric was retained as rebuttal expert witnesses to counter the assertion that Dr. Gish reputation was permanently damaged. The case is pending in Superior Court in San Diego County.

Litigation Support

Eric has provided litigation or communications for clients represented by multiple law firms, including:

Arnold & Porter LLP
Armbruster Goldsmith &
Delvac LLP
Baker Donelson Bearman
Caldwell and Berkowitz
Baltimore Trial Lawyers
Boies, Schiller & Flexner
LLP
Bryan Cave LLP
Burke Williams &
Sorenson
Cox Castle & Nicholson
Brown Winfield
Canzoneri & Abram, Inc.
Dongell Lawrence Finney
LLP
Finch, Thornton & Baird
LLP
Garber & Associates
Gibson Dunn & Crutcher
Greenberg Traurig

Jackson Tidus
Jeffer Mangels Butler &
Mitchell
Katten Muchin
Kaufman Law Group
Lanier Law Firm
Latham & Watkins
Law offices of Kevin J.
Keenan
Lemons, Grundy &
Eisenberg
Loeb & Loeb
Manatt, Phelps & Phillips
Mary Dale Law Firm
McDermott, Will & Emery
McKenna Long &
Aldridge
McNaul Ebel Nawrot &
Helgren PPLC
Meister Law Offices
Miller Barondess, LLP

Morgan, Lewis & Bockius
LLP
Morrison & Foerster
Parris Law Firm
Pillsbury Winthrop Shaw
Pittman, LLP
Rheuban & Gresen
Ryu Law Firm, APC
Seki, Nishimura & Watase,
LLP
Seyfarth Shaw LLP
Skadden Arps
Stone, Busailah, LLP
Squire Patton Boggs
Straussner Sherman
Weekley Schulte Valde
Weston Benshoof Rochfort
Rubalcava & MacCuish
(now Alston & Bird)
(Partial List)

Examples of Work

Intellectual Property and Technology

Data breaches are among the worst kind of modern corporate crisis because they financially and emotionally impact large numbers of individual customers. Protecting reputation is not necessarily about the crisis, but about how the crisis is handled and the actions that are taken to restore trust. When consumers are personally threatened or affected by a breach, they can become powerful influencers of public perception the minute their stories are amplified across social networks. When millions are individually threatened, their reaction can severely damage an entire business, regardless of size. Eric has worked on several cases in the healthcare industry, helping national healthcare companies institute comprehensive response programs to both repair damage and restore customer trust after a data breach.

Hazing Death

When a student died in a fraternity hazing incident, a major university hired Eric to help the university deal with crisis communication and crisis management immediately. Eric assisted the university immediately after the incident, during the formal investigation, and through the conclusion of the incident (which had attracted national attention).

Food Recall

Eric has assisted several major brands with food product recalls. In one case, Eric received a call from an international food company after they received reports, from various places in the United States, that customers reported illness resulting from consuming their product. The biggest initial challenge was to determine the scope of the recall in the face of incomplete information. Eric worked with the company's CEO, legal counsel, and sales team to assess the facts, substantiate the accuracy of information, and subsequently relay that information in a concise and transparent way to the public and other stakeholders. Eric drafted scripts for the company's reference when assisting customers and drafted releases addressing both wholesale and consumer recalls. In the end, a full recall was avoided, and an escalating crisis was halted within five days of the initial call.

Outbreak Response Plan

When a large Southern California hospital identified a person who had been diagnosed with active tuberculosis (TB), Eric worked with the hospital and the County Health Department. Eric developed a detailed outreach plan in order to determine the health status of patients and staff who were identified as being in close contact with the person diagnosed with TB. As part of the plan, Eric created a comprehensive Outbreak Response Plan (ORP), which included composition of the response team, detailed notification procedures, local and state public health responsibilities, data management, communication, training, educating, community partnerships and identification of all possible ways to disseminate the outbreak and testing information to the public, stakeholders, and partners. The most critical component of the plan was to ensure that every potentially impacted person was identified and notified. Topic fact sheet (e.g., description of an outbreak investigation, transmission of TB, treatment, were also created.

Criminal Issues & Government Investigations

When a national university discovered that a member of the faculty had committed academic fraud involving multiple college athletes, the school hired Eric to assist with formally notifying

the NCAA of the violations, developing an approach to get everything out in the open, and creating a process for rehabilitation of the sports program. Eric's strategy began with the premise that if the school does not tell its story on their terms, someone else will tell it for them. The university leadership did not want to "conceal and cover up" what occurred or mislead the public. Eric developed a "reveal and reform" strategy which resulted in the NCAA accepting the university's self-imposed sanctions.

Sexual Harassment/Employment Discrimination/Labor

Eric has applied the same philosophy and principals of proactive media management and scrupulous honesty when clients came to us as sexual harassment allegations and stories broke across the nation.

- A highly respected television producer who had been honored multiple times for his leadership on women's issues learned that a prominent lawyer was going to publicly accuse him of sexual harassment. Eric preemptively issued a statement for our client and publicly exposed the situation, which resulted in the media casting doubt on veracity of the claims.
- When a legendary entertainment executive was faced with assault charges, Eric assisted in crafting his unequivocal denial regarding the allegations to the media and the entrepreneur in shaping the announcement that he would be stepping down from his various businesses to protect hundreds of employees. He also committed himself to continuing his personal growth, spiritual learning, and listening.
- When a major NYC restaurateur was accused of sexual harassment and was alleged to have subjected employees to unwanted sexual advances, public groping, and lewd text messages, Eric was retained to protect the brand and assist the client in restoring the restaurateur's reputation. Eric then put an action plan in place to defend the client against personal attacks, customer complaints and blatant falsehoods.
- When *The New York Times* contacted a famed director about a notorious movie mogul's alleged sexual assault of the director's former girlfriend, Eric helped the director get ahead of the issue by detailing his account of how he confronted the executive over the casting of his next movie and describing what he hopes the entertainment industry will do to reform itself in the wake of an ongoing harassment and abuse scandal. The headlines that followed all portrayed our client in a positive light and focused on the abuses of the executive and the industry in general.
- When a California school district began hearing complaints from a large group of parents and a Legal Aid Law Center alleging significant Title IX issues at the high school as related to male and female locker rooms, the superintendent retained Eric's services. Eric designed a communication program to address the issues and avoid potentially costly litigation. He advised the superintendent to personally inspect the facilities with a few parents to assess the needs and viability for upgrades. Eric's communication plan included an overview and outline of changes the school would

make to achieve Title IX compliance. In addition, he worked with the district to publicly announce the new women's locker room makeover and to highlight four new women's sports at the school: water polo, golf, tennis, and soccer. The plan to proactively inform the community that all students had equal access to facilities and an equal opportunity to participate in sports demonstrated that the district was committed to Title IX. The plan worked and costly litigation was avoided.

- Numerous police officers filed a lawsuit claiming years of race and gender-based harassment, discrimination, and retaliation. The police department immediately placed a gag order on all plaintiffs. Working with the police officers' legal team, Eric constructed a communications theme and successfully placed stories in all local papers, which resulted in extensive traditional and social media coverage. In addition, he arranged for media coverage of the gag order itself, which shaped public opinion and put the police department on defense. This ultimately required the department to respond to both the complaint and the attendant media coverage of the allegations.

Threatened Litigation

After a teacher at a Northern California Jewish school was cleared by authorities of inappropriately touching a student, the parent retained legal counsel and threatened to bring a civil lawsuit. Eric created a communication strategy that included a media statement, statement to parents and faculty, and subject points if a lawsuit was filed.

Hotel Labor Issue

For two years, Eric assisted a well-known hotel in Los Angeles with their ongoing labor dispute. The hotel was involved in a labor dispute, which involved numerous workers filing complaints with the California Labor Commissioner's Office. For over six months, the employees (who were union assisted) engaged in regular picketing and other activities while demanding that management agree to card-check, which does not ensure true employee free choice. Eric developed communication strategies to inform the public that the hotel supported the secret ballot election process conducted by the National Labor Relations Board to protect employees' right to vote in a neutral, private environment. Eric worked with the hotel and their legal team to petition the National Labor Relations Board to hold supervised secret-ballot elections.

Celebrity Horse Trainer

When seven horses died in a 21-month period, a Hall of Fame trainer received massive attention that harmed his reputation. Eric implemented a communication strategy that had three objectives: (1) highlight the trainer's commitment to horse safety and his history of success with minimal injuries, (2) protect his well-earned reputation, and (3) set the tone for the debate as opposed to responding to false charges. Eric was able to achieve these objectives by demonstrating a desire for solutions, showing that the horses died of factually unclear reasons, and demonstrating that the trainer was also seeking conclusive results for the cause of death. We pushed outside agencies to conduct independent investigations, perform their own necropsies, and look for other causes, including contaminated soil and air quality. Three months after the campaign began, the trainer and his staff were cleared of any wrongdoing by the Horse Racing Board.

Horse Racing Deaths

After the death of two-dozen horses at a horse racing track, Eric helped his client with media and crisis communications. Eric worked with executives to announce stricter standards, including a “zero tolerance” stance on race-day medication and stricter rules on the use of riding crops. The changes resulted in praise from critics who called the move “a historic moment for racing.” In addition, Eric oversaw communications to key stakeholders and the announcement that the track would provide money to help horsemen impacted by the decision with the rehabilitation, retraining, rehoming, and aftercare of any horses unable to race as a result.

National Railroad Company

From 2008 to present, Eric has worked with a large national railroad company to manage the communications involving a highly controversial \$900 million expansion project. Eric works closely with the company’s general counsel and prepares messages for a variety of internal and external audiences, including employees, customers, vendors, and the financial/investment communities. Eric also monitors traditional media, blogs, websites, and trains company spokespeople in effective communication response.

National Construction Company

For the last several years, Eric has worked with one of the largest publicly traded, diversified infrastructure providers and construction companies in the nation. Eric worked with the company on media relations, crisis communication, and internal communications to help protect their reputation regarding border security work.

Threated Nurses Strike

When nurses at a large Southern California threatened a ten-day strike, Eric created a comprehensive communication campaign aimed at hospital employees, the media, community stakeholders, and the union. The threatened strike involved conflicts over compensation, benefits, and staff workloads. Understanding that a strike could hurt the hospital’s reputation, finances, and patient care, Eric created a variety of communications to inform all parties know that delivering safe, high-quality care to the community was a top priority. Though a series of press releases and fact sheets, the hospital made it clear that it had taken the necessary steps to fulfill their responsibilities to the community and had contracted with qualified and experienced replacement RNs in the event of a strike occurred. After months of tense negotiations and recognizing striking nurses would be replaced, a strike was averted.

Class Action Lawsuit

When a major utility company overcharged customers over \$70 million following the rollout of a flawed billing system, Eric provided strategic communication services to the out-of-state law firm that brought a class action lawsuit asserting claims for fraud, negligent misrepresentation, breach of contract, unjust enrichment, and violations of the California Legal Remedies Act and California Unfair Competition Law. Eric worked with the law firm, both pre and post settlement, ensuring that customers and the media understood the settlement provisions which included the return of funds owed to customers. The settlement also required that the utility company implement specific customer service performance metrics and submit to court oversight even after all funds were repaid to the customers.

Threatened Environmental Litigation

When an exclusive private school discovered potentially carcinogenic materials had contaminated their campus, school officials were deeply concerned that misinformation would incite panic and decimate enrollment. Highly visible environmental mitigation work, including drilling and restricted access, made it imperative that the community were informed of the situation in a way that made them feel confident, comfortable, and safe. Eric set up a social media monitoring effort and worked closely with the school's legal and technical experts to develop and implement a series of meetings and outreach activities to communicate the facts and address parent fears and concerns. The environmental mitigation program was successfully completed, and school enrollment was not affected. Through proactive efforts, the school was able to avoid any mention of the issue in both traditional and social media outlets.

Environmental Justice

Rattled by high levels of carcinogenic hexavalent chromium in their city, residents waged a campaign with local regulators and the media in an effort to stop our client from expanding their medical waste treatment plant operations to seven days a week. Our client's operations are located about 700 feet from the nearest home and under 1,000 feet from an elementary school. Despite going through extensive permitting, evaluations, assessments, and reviews before being granted a permit to originally operate the plant, the community used my clients desire to expand operations at a rallying cry for environmental justice. Eric was retained by the medical waste company to protect their reputation, develop and implement a comprehensive communications plan, and work with the public affairs team to prepare them for public meetings. As part of the campaign, Eric developed a bi-lingual PowerPoint and convinced the plant operators to open the operations for organized tours. In addition, Eric created a detailed bi-lingual Myths and Facts booklet that addressed the popular myths about the plant and dispel said myths with verifiable facts from independent third parties. As a result, the plant received the necessary permits to operate seven days a week.

Product Defect Case

When a Japanese multinational engineering, electrical equipment, and electronics company was sued by a large California utility for \$7.6 billion for delivering equipment that ultimately led to the permanent closure of a plant, Eric was retained by the Japanese company to develop a comprehensive communications plan. Three years after the case was filed, his client scored a major victory when the plaintiffs were awarded \$125 million, which was less than the liability limit under the contract. Eric worked very closely with the company's lawyers and in-house public relations team and approached the challenge from three perspectives: public relations, government relations, and legal. Eric identified the most probable scenarios likely to play out, and then developed a detailed plan to deal with messaging for each scenario. When the award was announced, the story was picked up by over 250 newspapers and trades worldwide and our client's stocks soared.

Unfair Competition Lawsuit

After losing a large fraction of market share to a competitor who misrepresented his product to the public, Eric's client brought suit in federal court seeking damages and an injunction against false advertising. Eric mobilized public opinion by coordinating public interest groups, which adversely affected individual consumers, public health specialists, and regulatory agencies in

support of the client's position. He successfully placed news stories nationwide, questioning the honesty of the competitor's advertising and raising legitimate concerns about the safety of the competitor's product. The competitor agreed to settle out of court following a public hearing by an influential legislative committee. Settlement terms are confidential, but the competitor changed his advertising practices to eliminate the false claims that were relevant from Eric's client's lawsuit.

The Invisible Plume

In October of 2015, a massive gas leak was discovered adjacent to the residential community of Porter Ranch. Over 30,000 residents had to relocate after suffering illnesses caused by the natural gas leak. The media interest in the issue was sparse because, even though it was the single worst man-made gas accident in history, the problem was not discernable to the public eye. Eric was retained by several law firms to make the issue a front-page story. He convinced the clients to obtain infrared footage of the leak—which made the invisible gas visible. Immediately upon releasing the video, the story gained worldwide attention. Headlines described the situation as a “catastrophe” and a “disaster,” and the lawyers who released the video were highly sought after by news organizations around the world.

Municipal Crisis Communications

When two people died, and twelve others were injured after a runaway car carrier slammed into a bookstore and coffeehouse, Eric helped the municipality manage its communications. Within hours of the accident, Eric worked with city officials to offer sympathies to the loved ones of the two-people killed in the collision. As a result, Eric issued numerous demands to the state addressing the significant and ignored safety issues the city raised over the years. Eric provided reporters and editors with a timeline and key documents showing that the state had been put on notice and that warnings were ignored. Eric made city officials accessible to reporters and quickly organized a news conference with local and state officials. Using tested crisis techniques, Eric assisted the city in being responsive during the first 72 hours of the crisis and not operating on a 9-to-5 schedule. The city called for the state to ban trucks on the highway and when reporters called the State for comment, there was no immediate response. As a result, news stories the night of the incident laid out the facts from the city and immediately shifted attention to where it properly belonged.

Personal Injury Litigation Appeal

Eric managed litigation communications following a horrific traffic accident involving a publicly traded transportation company. The incident involved nearly fifty vehicles and resulted in multiple fatalities. Eric's work focused on directing traditional and social media attention to the primary cause of the accident (faulty road design and management) and reducing speculation concerning the client's involvement. His research on the flaws of road-construction, speed limits, and safety warnings enabled him to persuade the media to reverse their initial conclusions and to withhold judgment on the ultimate cause of the accident.

Western Sugar Cooperative v. Archer-Daniels-Midland, Co

For over four years, Eric handled litigation communications for the plaintiff in a \$1.6 billion-dollar misleading advertising case. Eric worked for the producers (plaintiff) of table sugar who sued the inventor of high fructose corn syrup (HFCS), alleging that the defendant ran a television

and print campaign that contained false representations about HFCS. These representations constituted false advertising under the Lanham Act and a violation of the California's Unfair Business Practices Act. Eric worked closely with the legal team and was responsible for framing key issues and ensuring proper perceptions as the case moved to trial. Halfway through the dispute, the sugar processors and the inventors of HFCS announced a secret out-of-court settlement.

Western Sugar Cooperative v. Johnson & Johnson

For several years, Eric handled all the litigation communications for the plaintiffs in a false-advertising lawsuit against the company that makes the sweetener Splenda. Filed by five US sugar companies, the Lanham Act litigation focused on the claim that Johnson & Johnson deliberately misled consumers with its “made from sugar, tastes like sugar” advertising campaign. The plaintiffs alleged that the defendants not only intentionally misled consumers about whether Splenda was natural, but also continued the advertising campaign knowing that people were confused. The two sides settled the day before jury selection in federal court.

Post-Verdict Defamation Lawsuit

Eric’s clients filed a defamation and intentional infliction of emotional distress case against a prominent businessman. Following a successful verdict, Eric implemented a traditional and social media strategy, which arranged for media coverage that included stories on the verdict as well as the success of the litigator. The story was covered worldwide. In addition, the successful litigator was named “Litigator of the Week” in several publications.

SpaceShipOne

In 2004, Eric was responsible for the public relations efforts surrounding the launch of SpaceShipOne, the first privately developed spacecraft to reach suborbital space with the first ever civilian astronaut. After multiple visits to the Mojave Airport to tour onsite facilities, Eric coordinated the PR, logistics, and event staging to host over 600 credentialed journalists. In addition to event press materials, Eric created detailed hypothetical crisis materials, including speeches and press releases to be disseminated in the event of a disaster. Media outlets from Chile to China and around the world reported on the SpaceShipOne launch. Over 300 local and international newspapers featured the flight, with many including coverage as a front-page story.

Airline Crash

In October 2000, an airline jet crashed while attempting to take off under poor weather conditions. Eighty-three of the one-hundred seventy-nine passengers were killed aboard the flight headed to Los Angeles. Eric moved quickly to assemble a team of crisis and media specialists to assist the airline company with managing the flow of information to passengers, family members, employees, government officials, key stakeholders, media reporters, and the general public.

September 11 Terrorist Attacks

In the hours after the tragedy of September 11th, Eric led the external proactive media outreach efforts for a major U.S airline and airport. His work included crisis and public relations support, offline and online media monitoring, and subject research. Additionally, Eric implemented pre-

approved crisis-related media materials/messages and developed new messages for the airport staff and the Los Angeles Mayor. The success of the effort resulted in the City of Los Angeles retaining Eric to develop and coordinate a massive post-September 11th event for the airport.

Reactive Litigation Communication

Qui Tam Lawsuit

When a hospital chain reached an agreement with the U.S. Department of Justice to settle a whistleblower (qui tam) lawsuit filed by a former employee, Eric drafted the press release for the hospital and developed communications documents to be used with employees, key stakeholders, and elected officials.

California Proposition 65 Lawsuit

When an environmental organization presented California Proposition 65 (which requires the state to publish a list of chemicals known to cause cancer or birth defects) against most major manufacturers of chocolate products, Eric helped ensure that the announcement was a “one-day wonder” that gained no media traction. Before the announcement, he prepared key documents, selected and secured third-party advocates, hired media-trained spokespeople, and produced B-roll. Eric conducted extensive opinion research to test the messages and to evaluate which spokespeople would be most credible among key audiences. At the plaintiff’s press conference, he distributed the client’s statement, subsequently providing B-roll and, to select media, a spokesperson. The plaintiff’s case was successfully characterized as a “sham”. There was limited media follow-up, the minimal settlement went unreported and chocolate sales were unaffected.

Product Liability Appeal

Eric was hired after a client was hit with a multi-billion dollar compensatory and punitive damages award. Until the verdict, the media had ignored the case. As a result, the subsequent media coverage focused on the size of the award while assuming the truth of the allegations against the company. Eric’s litigation communication team was retained to bring balance to the coverage in advance of post-trial motions. Eric’s team changed the terms of the debate, focusing on rulings by the judge that prevented the company from putting on a complete defense. He worked with eminent third parties to formulate/disseminate public policy arguments on his client’s side, and also worked with national organizations to set up conferences to discuss litigation abuses. The articles that appeared before and after the post-trial motions were generally balanced and helped garner positive coverage of the eventual appeal.

Federal Antitrust

Charges were filed against Eric’s client by numerous State Attorney Generals and private attorneys after accusations of attempted monopolization and price fixing were made by federal regulators. Initial press coverage, before he was retained, highlighted the allegations and included only a boilerplate denial of wrongdoing by the company. Eric’s client decided, among other things, to challenge the federal agency’s authority to bring suit. Eric’s team used this argument to put the agency on trial. Articles were written, op-eds placed, and conferences held that shifted the focus of the coverage away from the alleged actions of the company. By the time the court ruled against the company, the case was in discovery and the media had lost interest.

Private Antitrust

A leading inkjet printing company faced several lawsuits from smaller competitors and refillers alleging anticompetitive practices. Since public sympathy appeared to be on the side of the “plucky little fellow” challenging a “bullying behemoth,” Eric was hired to make the company’s case more sympathetic to the general public. Working closely with the client’s legal team, he developed a series of communications themes that his testing demonstrated, would resonate with audiences outside the courtroom. By stressing that his client provided the assurance of quality and improved consumer choice, Eric successfully blunted the opponents’ campaign to paint his client as an enemy of the public interest.

The cases above represent a partial list of crisis communication work Eric has done through his career.

Reputation Management

Corporate Reputation Management

With electricity bills spiking sharply in California, the public outcry became a daily newspaper story, and a Fortune 500 company turned to our team for help. The client wanted to calm local opinion, accustom people to the long-term reality of higher bills and educate them on the wider issue of a broken wholesale market and lack of power supply. Eric was also tasked with garnering support for efforts to improve the situation and to guard against a public and political backlash against deregulation or other harmful measures. As the energy crisis began to grip the whole state of California, our client needed to maintain a major place in the debate without being seen in the same light as the much more troubled electricity providers.

After conducting exhaustive research with electricity customers and a media audit of electricity coverage, Eric led a team that implemented plans that allowed the company to weather the electricity crisis. Tactics included placing numerous op-eds, scheduling editorial board meetings, writing press releases, placing paid media, creating new marketing materials and developing ratepayer assistance programs. The insights gained from the focus groups and media audit guided the development of the materials. The multiyear effort succeeded in calming public and media hostility in gaining acceptance of the broad power crunch and in providing an understanding of why bills rose so high. The reputation effort refocused debate away from the utility and toward the underlying, broader issues. Eric’s team successfully kept attention away from our client except where it mattered—among legislators and other officials and on Wall Street. We not only protected the client’s corporate image, but enhanced it.

Medical Diagnostics Company

When a business associate was indicted by the U.S Attorney for allegedly scamming insurance companies out of nearly \$300 million, the company’s management team and highly qualified doctors retained Eric to help ensure that the crisis (that did not involve an employee) did not disrupt business operations, damages their reputation, or negatively impacts their relationships in the medical industry

Environmental Management Company

Eric provided a media relations and reputation management company to a national environmental compliance and remediation construction company. This happened when a reporter for a large newspaper sought an interview regarding the failure to execute a contract with a government agency for the cleanup of contaminated properties, despite being awarded the bid through an RFP process.

Tax Services

In 2005, the dominant provider of tax services with a national network standing for quality and reliability reputation and integrity was under attack by consumer activists, government officials, and the media. Eric helped develop and assemble a team to implement a comprehensive brand reputation and image program. The campaign was successful and helped to protect and enhance the firm's legacy as a high-quality, high-integrity provider of sophisticated tax/financial services for middle Americans.

Holding Company

When a holding company in the utility field wanted to institute a branding initiative that would help to increase stock market valuation of the company and achieve positive recognition for the company and the executives, Eric helped develop the plan and oversaw the team which implemented the strategy.

Major Utility

A major natural gas company was perceived as aloof and did not have an integrated community-outreach program. Eric developed a long-term systematic outreach plan to key community stakeholders. Because of Eric's efforts, they now monitor social media platforms and proactively address reputation issues.

Music Promoter

Following the drug overdose death of a fifteen-year-old attending a rave, Eric was hired to assist the national company that hosted the event with a reputation of building and repositioning the campaign. The campaign's purpose was to deflate and deflect negative misconceptions tied to the company's festivals and events, namely the perceived connection to illegal drug use. Critical to the success of Eric's efforts was ensuring that the campaign worked across multiple platforms: traditional media, social media, and inter-personal communications. The campaign was a success and the company was able to grow and maintain their leadership position in the industry.

Family Spokesperson

Eric was hired by a family who owned hotels and an NBA basketball team to handle the negative attention they were receiving in both mainstream and local media. Eric created and implemented a strategy for the family that allowed them to maintain fan loyalty and garner respect from their business partners, concurrently selling the team for a record profit.

Union Campaign

When the Service Employees International Union (SEIU) identified a major hospital chain as its primary target and began attacking the core values and community service records of several hospitals because they refused to allow a card check for organizing, Eric developed a

communications strategy to disclose the facts and protect the hospitals' reputation. While the hospital chain was not opposed to union organizing efforts, the management felt a secondary voice was necessary to combat the SEIU's misinformation. We developed a multi-disciplinary campaign to challenge the SEIU's claims and provided employees with accurate information about the potential impact and costs of union representation. To rebuild pride in the hospitals, we developed a few key initiatives focused on employee morale. At the same time, the hospitals launched a targeted and aggressive education campaign, which provided accurate information about union organization to constituents (i.e., religious community, elected officials, patients, medical staff, hospital communities and the public).

Elements of the campaign included a poster series, featuring employees who represented the true spirit of the hospitals and a series of communications pieces featuring community service outreach programs (sponsored by the hospitals and a series of morale-building events during the holidays to recognize employee contributions). In addition, the campaign included a brochure focused on the hospital chains mission and its commitment to the underserved individuals to combat the SEIU's attacks on those issues. The strategy, to highlight individual programs rather than debate directly with the union, helped neutralize the issues. As a result of Eric's efforts, the service employees overwhelmingly rejected union membership in favor of maintaining their direct relationship with management.

Labor Dispute

For two years, Eric directed the effort of an independently owned hotel chain in Los Angeles with a labor dispute. Eleven workers filed complaints with the California Labor Commissioner's Office alleging they had missed breaks required by law. Several weeks later, workers went on an all-day strike to protest these allegations. For over six months, workers engaged in regular picketing and other activities while demanding that management agree to card-check. Eric developed communications to inform the public that the hotel supported the secret ballot election process conducted by the National Labor Relations Board to protect employees' right to vote in a neutral, private environment. The union refused to participate in an election process and began a "corporate campaign". Eric worked to aggressively counter claims by touting the hotel's industry-leading wages and benefits packages, its outstanding workplace-safety record, and its role as a recognized leader in promoting a diverse workforce. Eric worked with the hotel and its legal team to petition the NLRB to hold supervised secret-ballot elections. Two years after the dispute began, the owner decided to sell the hotel and asked Eric to develop a plan to allow for a union. The client then told prospective buyers they would be purchasing a hotel with a unionized workforce and that the ongoing labor dispute had been settled.

International Food Manufacturer

For the last three years, Eric has been working on a project for an international food manufacturer that makes olive oil. The project includes monitoring a variety of social media sites and developing responses to consumer and media concerns. Eric's job was to determine when and how the company should respond to traditional and social media stories.

Municipal Communications

When a City learned that a popular restaurant and market decided to not move forward with the proposed restaurant and market and the developers placed the blame on the City

Council, Mayor and City Manager, the City hired Eric to develop communications to show that the applicants abandoned the project and were looking for a scapegoat. Eric's efforts highlighted the cities remarkable job of balancing enthusiasm & excitement for the project with the legal obligation to protect the public interest. In the end, the community understood that the City was committed to the project from day one and that the developer abandoned the project for financial reasons.

The reputation examples represent a partial list of the reputation work Eric has done over his career.

Crisis Communication

Among many and varied assignments, Eric has assisted clients on all aspects of dealing with national media, including *60 Minutes*, *Dateline*, *20/20*, *Fortune*, *The Los Angeles Times*, *New York Times* and many local media outlets. Eric has counseled clients on product recalls, guided clients on public image problems arising from legal disputes or government investigations, coordinated readiness plans, and conducted crisis simulations for global corporations.

Eric has counseled clients on protecting their reputations in the wake of rogue employee actions. He has also trained company spokespeople facing hostile questions from investigative reporters or a wary investor community. He has prepared CEOs to testify before legislative bodies and also provided responsive, on-the-ground support when a crisis has occurred.

As part of his crisis communication practice, Eric has helped companies develop ironclad policies and practices for handling personal, confidential, and sensitive information in the workplace. For a client in the medical field, Eric assisted the company in developing responsible data-handling practices, workplace privacy policies, and the implementation of regular training programs for employees.

The examples above represent a partial list of hundreds of reputation and communication programs Eric has developed and implemented throughout career.

Development of Crisis Communication Plans

Throughout his career, Eric has developed outreach and communications plans for a broad range of local, national and international clients. Plans developed include:

- A crisis communication plan for a large Japanese electronics company that is one of the world's largest manufacturers of computer printers and information and imaging-related equipment
- A crisis communication plan for an American multinational toy manufacturing company headquartered in Southern California
- A crisis communication plan for an international company that exports olive oil to the United States

- A management, communications, and total guest satisfaction crisis plan for an international cruise line brand founded in Norway, based in Miami, Florida
- A recall and crisis plan for an American biopharmaceutical company that has discovered and developed numerous commercialized therapeutics
- A crisis communication program and plan for a waste management and environmental services company headquartered in Texas

The examples of the work above represent a partial list of dozens of crisis communication plans Eric has developed throughout his career.

Media Training for Senior Executives

Eric conducted media training workshops, seminars and individual coaching sessions for senior executives. Eric has taught over 475 individuals on how to shape a media message so that they can say everything you need to say in 30 seconds or less and how to get quoted exactly the way they want, on the messages they want..

Publications

Throughout Eric's professional career, he has written on a wide variety of subjects related to public relations, crisis communications and reputation management for business as well as for specialty areas (e.g. legal marketing/litigation support). Eric has written many articles for a variety of local, regional and national general, business, publications, including newspapers and websites. A sampling can be found below.

- Branders: What to do when things go wrong, Branders Magazine – March 7, 2018, https://issuu.com/brandersmag/docs/branders_issue_9/28
- Not Her Mother's Daughter: The lessons of Lisa Bloom, City Watch – October 23, 2017, <http://www.citywatchla.com/index.php/los-angeles-for-rss/14241-not-her-mother-s-daughter-the-lessons-of-lisa-bloom>
- When Cops Get 'Lit Up' – Reacting to a Law Enforcement Crisis, American Police Beat – December 12, 2014, <https://apbweb.com/cops-get-lit-reacting-law-enforcement-crisis/>

Seminars & Speaking Engagements

Throughout his professional career, Eric has spoken, written, and lectured on a wide variety of issues regarding public relations, crisis communications, litigation support, and social media.

- Crisis Communications Training – California Bar Association – MCLE Credit
- Guest lecturer on crisis and litigation communication at the University of Southern California (USC)
- Guest lecturer on reputation management at the California State University Northridge, (CSUN)
- Seminar for LAPD management regarding social media, mass communication, and mass gatherings

- Seminar for the San Diego County District Attorney's Office on crisis management in the digital era
- Seminar for the Ventura County District Attorney's Office on social media for communications
- Seminar of the California Police Chief's Association responding to social media and reputation management issues

Media

Eric is a frequent media commentator on crisis and reputation management issues and is a frequent guest expert on CNN, Fox News, and KCBS/KCAL television. Topics range from the current political stories of the day to crisis communication issues. Eric is also frequently quoted in local and national newspapers regarding crisis and reputation issues.

Career Achievements

- Sabre Award Winner, Public Affairs
- PRSA Silver Anvil Award Winner, Corporate Reputation/Brand Equity

Education

California State University, Northridge, Political Science

List of Publications

- The ABCs of Source Attribution – and Tips on Negotiating it
<https://www.summitas.com/officeblog/34004139776780634205>
- Bezos Affair Saga Raises Issue of Confidentiality in Journalism
<https://www.summitas.com/officeblog/33755139776780633956>
- LA Sherriff's Office Fails in Its Comms Over Shooting Hoax
<https://www.summitas.com/officeblog/43238139776780643439>
- Op-Ed: The False Claim Of An LA County Sherriff's Deputy Being Shot by A Sniper Leads To A Classic Fail In Crisis Communication
<https://witnessla.com/op-ed-the-false-claim-of-an-la-county-sheriffs-deputy-being-shot-by-a-sniper-leads-to-a-classic-fail-in-crisis-communication/>
- How a Crime Hoax Taught a Lesson in Crisis Communications
<https://thecrimereport.org/2019/09/09/how-a-crime-hoax-taught-a-lesson-in-crisis-communications/>
- What to do when things go wrong: protecting the brand
<https://www.ekapr.com/branders-what-to-do-when-things-go-wrong/>
https://issuu.com/brandersmag/docs/branders_issue_9/28
- Not Her Mother's Daughter: The Lessons of Lisa Bloom
<https://www.citywatchla.com/index.php/los-angeles-for-rss/14241-not-her-mother-s-daughter-the-lessons-of-lisa-bloom>
- When Cops Get 'Lit Up' – Reacting to a Law Enforcement Crisis
<https://apbweb.com/cops-get-lit-reacting-law-enforcement-crisis/>
- Shopper Alert!! Hidden Restocking Fees Draw Consumer Anger
<https://www.citywatchla.com/index.php/archive/4218-shopper-alert-hidden-restocking-fees-draw-consumer-anger>
- Why Police Need ShotSpotter
<https://thecrimereport.org/2015/03/24/2015-03-why-police-need-shotspotter/>

Other Media Appearances

- <https://www.ekapr.com/media-appearances/>

EXHIBIT 2

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

---oOo---

VERNON UNSWORTH,

Plaintiff,

vs.

No. 2:18-cv-8048-SVW

ELON MUSK,

Defendants.

_____ /

VIDEOTAPED DEPOSITION OF

ERIC ROSE

November 1, 2019

Stenographically reported by NICOLE HATLER

CSR No. 13730

Job: 47148

November 01, 2019

1 **A. Yes.**

2 Q. Knowing that the jury may rely on your CV,
3 you wouldn't want there to be anything in there
4 that could mislead the jury about you in any way?

5 **A. That's correct.**

6 Q. All right. Is your resume completely -- or
7 your CV -- completely accurate?

8 **A. To the best of my knowledge, it is.**

9 Q. And your CV doesn't exaggerate anything?

10 **A. I don't believe it does.**

11 Q. Now, what years did you attend college?

12 **A. 1984 through '89.**

13 Q. Okay. And you attended Cal State
14 Northridge?

15 **A. Yes.**

16 Q. Did you attend, or have you attended, any
17 other colleges or universities?

18 **A. No.**

19 Q. Why did you not complete your degree?

20 **A. I'm not good in math, and I couldn't pass**
21 **the math class. I didn't want to take an**
22 **additional three math classes to pass the math**
23 **class.**

24 Q. The -- your field of study at Northridge
25 was political science, correct?

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1 **A. Yes.**

2 Q. You don't hold any degrees in psychology,
3 psychiatry, or medicine, do you?

4 **A. I do not.**

5 Q. And you aren't licensed to practice
6 psychology or psychology or medicine in any state,
7 are you?

8 **A. No, I'm not.**

9 Q. Do you hold any professional licenses or
10 certificates?

11 **A. I do not.**

12 Q. What do you do for a living?

13 **A. I do -- on a daily basis -- crisis**
14 **management, litigation communication, reputation**
15 **repair, and media relations.**

16 Q. So are you a media and public relations
17 expert?

18 **A. I consider myself one.**

19 Q. Okay. Explain to me what you do in the
20 field of crisis management, or just, what is the
21 field of crisis management?

22 **A. I help companies who are facing immediate**
23 **issues manage those issues in a variety of ways,**
24 **whether it would be media relations, protecting the**
25 **reputation. It really varies depending on the**

November 01, 2019

1 incident. But, as a general rule, what it comes to
2 crisis communications, it's an immediate need for a
3 company who has a reputational issue, and I assist
4 those companies --

5 Q. Okay.

6 A. -- or individuals.

7 Q. Or individuals.

8 How much of your practice involves
9 representing companies versus individuals, in the
10 last few years?

11 A. I would say that -- I'm -- I'm
12 guesstimating here, probably --

13 Q. Let me -- I apologize. Let me clarify the
14 question.

15 A. Yeah.

16 Q. If you were to talk about allocating your
17 time --

18 A. Okay.

19 Q. -- how much of your time in the last three
20 or four years was spent doing work for individual
21 persons versus corporate clients or others?

22 A. I would say that the -- probably 90 percent
23 of my time would be working for corporate clients,
24 and 10 percent would be working for individuals.
25 That's just a guesstimate.

November 01, 2019

1 say it's three hours. And I'm guessing. I don't
2 have the time entry. I enter it --

3 Q. Correct.

4 A. -- literally as I do it. It will be all in
5 preparing for this deposition.

6 Q. Okay. So let's see -- can you multiply
7 that by 600 for me? I think it's going to be
8 around \$20,000, but that doesn't seem right. We
9 got 15, 18, 6 -- 18, 5 -- I think it's 18,450.
10 These three bills will add up to 18450, but
11 somebody's going to tell me that in a second.

12 Do you have an estimate of the --
13 approximately the total amount of compensation you
14 will be paid for your work in this case?

15 A. No.

16 Q. Okay.

17 A. It all depends on, you know, how many
18 hours. I thought the case would settle by now.

19 Q. Why did you think that?

20 18450. That's what I said.

21 Why did you think the case would have
22 settled by now?

23 A. I thought it was pretty clear that Mr. Musk
24 defamed Mr. Unsworth, and that the case that I laid
25 out in my report was very clear, and that the --

November 01, 2019

1 that Mr. Musk would have admitted it and -- and
2 figured out a way to settle with Mr. Unsworth, the
3 damage he caused to his reputation. I just -- I
4 didn't expect it -- I didn't expect to be deposed
5 today.

6 Q. Got it. All right. So the -- the total of
7 these three invoices is \$18,450. Does that sound
8 right to you?

9 A. It sounds correct.

10 Q. And if you add another \$1,800 for the month
11 of October, we're a little shy of -- we're at about
12 \$20,250, I think. Does that sound about right?

13 A. It sounds close. Again, I don't have a
14 college degree because I couldn't do math.

15 Q. I -- I -- my major was economics, not math,
16 but I guess there was a lot of math in economics.
17 All right. So let's move on.

18 Have you spoken to Mr. Unsworth about this
19 case?

20 A. I have not.

21 Q. Okay. Approximately, how many times have
22 you spoken with Mr. Unsworth's lawyers about this
23 case, putting aside the mechanics of things like,
24 you know, the engagement letter or travel
25 arrangements or whatever? I'm talking about, how

November 01, 2019

1 many times have you spoken with Mr. Unsworth's
2 lawyers about the substance of the case?

3 A. Very little. They were reflects in -- in
4 my time. I'd have to go look here. I spent the
5 most time speaking to the law firm two days ago in
6 preparing for this deposition.

7 Q. Right. But -- so let's put aside the
8 deposition preparation for a minute, and let's talk
9 about the period of time between when you first
10 agreed to serve as an expert in this case and you
11 completed your report.

12 Approximately how many times did you speak
13 with Mr. Unsworth's lawyers?

14 A. I'd have to -- can I consult with -- yeah.

15 Q. If you need to, absolutely.

16 A. From the record, it shows two times, and
17 there might have been an additional call or two
18 that was more of asking questions for substance
19 about, you know, what the deadlines were.
20 Everything else would have been brief. I -- as a
21 rule, if I spend five minutes or less on a call, I
22 don't bill for the time. So if I'm calling to ask
23 for basic information or something that's
24 procedural, I don't -- I don't enter my time.

25 Q. Okay. Did Mr. Unsworth's lawyers provide

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1 if you took a survey, the most reputable survey you
2 could design, in the -- in the country of France,
3 whether anyone in France believes anything Elon
4 Musk said about Vern Unsworth? Do you know that,
5 what that survey would show? Would it show that
6 anybody believes anything bad about Vern Unsworth
7 or that they believe anything Mr. Musk had to say
8 about him?

9 MS. WADE: Object to the form.

10 THE WITNESS: It -- it's my opinion that
11 if you took a survey in France about what Mr. Musk
12 said about Mr. Unsworth, that people would believe,
13 or there would be a percentage of people who
14 believe, Mr. Musk. Mr. Musk is a -- is a credible
15 person; he is a world-renowned person; he has
16 credibility. And so, if you were -- if you
17 presented to someone this is what Elon Musk said
18 about Vern Unsworth in France, it's my belief that
19 the research would show that right now, a
20 significant number of people would believe Mr. --
21 would believe Mr. Musk.

22 BY MR. SCHWARTZ:

23 Q. All right. Well, what if you don't tell
24 people up front what Mr. Musk said about
25 Mr. Unsworth before asking them what they thought

November 01, 2019

1 about it. That's not the survey I'm talking about.

2 A. You --

3 Q. Let me ask you the survey -- about the
4 survey I'm talking about --

5 A. Right.

6 Q. -- and have you answer this question. See
7 if you can do this.

8 A. Okay.

9 Q. You go to France next week with the best
10 research firm you can find.

11 A. Okay.

12 Q. Money is no object.

13 How many people in France are aware that
14 Elon Musk said anything about Vernon Unsworth;
15 good, bad, or horrible, or indifferent. How many
16 people in France? What percent of the French
17 population is aware that Elon Musk had anything to
18 say about Vern Unsworth? Can you tell me that?

19 MS. WADE: Hold on. I'm going to object
20 to the form. It's compound, and I object to the
21 preparatory comments, because I think he did answer
22 your question.

23 But go ahead.

24 THE WITNESS: The start of your question
25 was the key part. Bring a reputable firm to France

November 01, 2019

1 to ask people, in a blank slate, what they feel or
2 know about Vernon Unsworth. That's your baseline.
3 And so, you -- you said in your own question, bring
4 the best firm there to find out. That's exactly
5 what I would do.

6 BY MR. SCHWARTZ:

7 Q. Have you done that?

8 A. No.

9 Q. All right. Do you -- as you sit here
10 today, can you tell me what the results of that
11 research would show in terms of telling us what
12 percent of people in the country of France are even
13 aware that Elon Musk said something about Vern
14 Unsworth?

15 MS. WADE: Object to the form.

16 BY MR. SCHWARTZ:

17 Q. You don't know, do you?

18 A. I don't know. And if I could -- if I could
19 do that, I would -- I would be the richest person
20 around, because you would never need a research
21 firm to tell you anything.

22 Q. But as you sit here today, you just don't
23 know what percent of the population of France was
24 even aware that Elon Musk had something to say
25 about Vernon Unsworth?

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1 MS. WADE: Object to the form.

2 MR. SCHWARTZ: And his answer was --

3 MS. WADE: Now go ahead.

4 **THE WITNESS: That's correct.**

5 BY MR. SCHWARTZ:

6 Q. And as you sit here today, you don't know
7 what percent of the population of France even knows
8 who Vern Unsworth is, do you?

9 **A. That's correct.**

10 Q. And as you sit here today, you don't know
11 what percent of the population of France thinks
12 Vern Unsworth's reputation has been harmed by Elon
13 Musk, do you?

14 **A. That's correct.**

15 Q. In fact, you don't know that for any
16 country in the world, do you?

17 **A. That's correct.**

18 Q. You don't know, just to be clear, what
19 percent of any country in the world -- the
20 population of any country in the world -- whether
21 they are aware or the extent to which they are
22 aware Elon Musk said something about Vern you
23 Unsworth, do you?

24 **A. That's correct.**

25 Q. And you don't know what percent of the

November 01, 2019

1 population in any country in the world knows
2 whether Elon Musk said something unfavorable or
3 harmful about Vern Unsworth, do you?

4 A. I couldn't answer the percent, but what I
5 could tell you today is that there was strong
6 interest in Vern Unsworth after Mr. Musk made
7 comments, and that interest was worldwide.

8 Q. And as --

9 A. And I --

10 Q. Go ahead.

11 A. And I -- and I could tell you that if you
12 did a search for Vern Unsworth prior to Mr. Musk
13 introducing him to the world in the way he did,
14 that no one had ever -- I don't want to say no one.
15 There was insignificant or little interest in Vern
16 Unsworth prior to Mr. Musk making him famous.

17 Q. Okay. Just so I understand your question,
18 you're saying, before Mr. Musk said what he said
19 about Mr. Unsworth, there was an insignificant or
20 little interest in Vern Unsworth in the world; is
21 that right?

22 A. Yes.

23 Q. That's what you said?

24 A. That's -- that's what I said.

25 Q. Okay. Let's go back to what I was asking

November 01, 2019

1 you about before, though.

2 As you sit here today, can you tell me what
3 percent of the population of any country in the
4 world, or the world as a whole, thinks
5 Mr. Unsworth's reputation has been harmed by
6 something Mr. Musk said?

7 MS. WADE: Object to the form.

8 **THE WITNESS: I cannot.**

9 BY MR. SCHWARTZ:

10 Q. Okay. And what I hear you telling me is
11 that's the kind of research you're recommending
12 Mr. Unsworth conduct before he execute his --
13 the -- the program outlined on Page 39 of your
14 report?

15 **A. Yes.**

16 Q. Okay.

17 A. But, I would also add to make myself
18 clear -- because I don't know that I articulated it
19 as well as I could have -- if you look at my report
20 on Page 17, which is a Google Trends analysis --

21 Q. Yes.

22 A. -- and to understand Google Trends, it's --
23 it's a snapshot. So if it has a zero, in interest
24 over time, it doesn't mean that -- it doesn't mean
25 that no one was looking, and 100 doesn't mean only

November 01, 2019

1 and then there is a chart that does break out by
2 country.

3 Q. We'll get there in a second.

4 A. Okay.

5 Q. Let's just start with the three charts.

6 And I --

7 A. Okay.

8 Q. And so, just so we understand each other,
9 those are for the world entirely, not an individual
10 country, those first three charts; is that right?

11 A. I -- yes.

12 Q. Okay. And Google Trends, what it shows you
13 is for the period of time you asked Google to look
14 at, relative to each day within that period, where
15 was the most activity for a certain search,
16 correct?

17 A. That's correct.

18 Q. All right. It doesn't give you the number
19 of searches that anybody ran, does it?

20 A. That's correct.

21 Q. So what this tells us -- the first chart on
22 the bottom tells us that for Google searches -- by
23 the way, the search term you put in was what,
24 "Vernon Unsworth"?

25 I think you said, Using the search term

November 01, 2019

1 Vernon Unsworth; is that right?

2 **A. That's correct.**

3 Q. Okay. So what this tells us is on a
4 worldwide basis, searches for Vernon Unsworth
5 during the period of July 2018 peaked around the
6 15th or so of the month, and then trailed off,
7 correct?

8 **A. That's correct.**

9 Q. Okay. This doesn't tell us how many people
10 searched Vernon Unsworth during that period, does
11 it?

12 **A. It does not.**

13 Q. Okay. You have no idea, as you sit here
14 today, the number of people that ran those
15 searches, do you?

16 **A. I do not.**

17 Q. Could be ten; could be ten million; could
18 be some other number, as far as you know, right?

19 **A. You're correct.**

20 Q. Okay. And that's true also for the
21 charts -- on the top and the middle of the Google
22 Trends charts -- on the top of Page 18 and the
23 top -- and the middle of Page 18, correct?

24 **A. You are correct.**

25 Q. Okay. You do not know, as you sit here

November 01, 2019

1 today, how many people actually ran the searches
2 that are reflected on those charts?

3 **A. That's correct.**

4 Q. You don't know if it's five people, 500
5 people, 500,000 people, or some other number, do
6 you?

7 **A. That's correct.**

8 Q. Okay. Now, let's look at the bottom chart,
9 the -- of Page 18. This seems to do a geographic
10 breakdown for the period -- is it July 1, 2018, to
11 July 1, 2019?

12 **A. That's correct.**

13 Q. All right. And so, what is this purporting
14 to tell us with respect to Singapore, Norway,
15 Ireland, New Zealand, and the United Kingdom?

16 **A. It's a snapshot of countries and interest,**
17 **and it shows that Singapore was, at least for the**
18 **time period, a country that had a higher number of**
19 **searches for Vernon Unsworth.**

20 Q. Is there a -- is there some kind of direct
21 proportionality, in other words, during this point
22 in time, 71 percent of the people who ran
23 searches -- at 71 percent -- start again.

24 The number of people who ran searches in
25 Norway were 71 percent of the number of people who

November 01, 2019

1 ran searches on Mr. Unsworth in Singapore?

2 A. You know, I don't believe that's what

3 Google Trends is -- is telling us. It's an

4 imperfect tool, and I readily admit it. It just

5 means that of the popularity of searches, with 100

6 being a kind of a very high popularity, 71 percent,

7 and Google Trends is just what it is. Just a trend

8 and a snapshot of interest.

9 Q. I know. But can you -- I'm asking you to
10 explain to me, what's the significance of 71 versus
11 100 for Norway versus Singapore. Can you tell me?

12 A. There's a higher interest --

13 MS. WADE: Object form.

14 Go ahead.

15 THE WITNESS: -- there was a higher
16 interest in Singapore than there was in Norway.

17 BY MR. SCHWARTZ:

18 Q. How much higher?

19 A. Well, it appeared to be just -- roughly
20 30 percent. Yeah, 30 percent.

21 Q. So maybe we're saying the same thing. Does
22 it tell us that the -- the frequency of searches
23 for Vern Unsworth in this period in Norway was
24 71 percent of what it was in Singapore? Which is
25 why it's 71 versus 100?

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1 A. Yes. But -- but the other -- the other
2 issue here -- and the reason why it's kind of an
3 imperfect tool -- is it's of all the searches that
4 were being done in Google in that country. So for
5 example, a population that has a higher rate of
6 people using Google, and more searches, you're --
7 the number is going to fall down significantly
8 because there's, just proportionately, there's a
9 lot more categories and interests and things that
10 people are searching. It just -- and perhaps I'm
11 not making myself -- so you would expect, and I
12 think the numbers show it, that the United States
13 has a lower Google Trends number than Singapore.

14 Q. What does that tell us?

15 A. It tells us that in the United States
16 there's -- people have a lot of interest over a lot
17 of subjects, and when it -- relatively speaking,
18 Vernon Unsworth -- when it comes to the popularity
19 for that particular term was, for that period of
20 time, wasn't as popular as other searches.

21 Q. Okay. Now, I've heard everything you've
22 said. It sounded very reasonable. I'm utterly
23 confused.

24 What is the 100 for Singapore tell us?
25 Does that mean that 100 percent of the people in

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1 Q. Just tell me, how many people had to search
2 for Vern Unsworth in the United Kingdom during this
3 period to generate a -- a score of 55?

4 MS. WADE: Object. Asked and answered.
5 You can ask again --

6 MR. SCHWARTZ: I haven't heard an answer
7 yet.

8 MS. WADE: His answer is, he doesn't know.
9 He said it six times.

10 MR. SCHWARTZ: Just tell me you don't
11 know, and we'll move on.

12 **THE WITNESS: I don't know, and I've said**
13 **it numerous times. So I apologize that -- again, I**
14 **apologize that I'm unable --**

15 MS. WADE: Don't apologize to him. He's
16 asking you the same question.

17 MR. SCHWARTZ: Okay.

18 MS. WADE: Let's take a break.

19 Mr. Schwartz: That's a great idea. We've
20 been going for a while. Let's go off the record.

21 THE VIDEOGRAPHER: The time is 11:30 a.m.
22 We are off the record.

23 (A recess was held form 11:30 a.m. to 11:45 a.m.)

24 THE VIDEOGRAPHER: This commences Media
25 No. 2. The time is 11:45 a.m. We are on the

November 01, 2019

1 record.

2 BY MR. SCHWARTZ:

3 Q. Okay. We're back looking the at Page 18 of
4 your report, and I think I understand what Google
5 is doing here, and I'm going to ask you if I'm
6 right.

7 So, did -- did a little thinking and
8 researching about this. The -- the bottom chart,
9 Singapore 100. What I think Google is telling us
10 here is that among the countries listed here, the
11 five countries, the percent of Google users who ran
12 searches for Vern Unsworth was most prevalent in
13 Singapore. They had the highest percent of Google
14 users who ran searches for Vern Unsworth. And then
15 in descending order relative to that was Norway,
16 Ireland, et cetera.

17 Is that what's going on here?

18 A. You're almost there. It's telling you
19 relative to all other searches that were done in
20 that country for terms.

21 Q. Right. Right. Wait. Okay. Yes. So in
22 other words, relative to all searches that were
23 done in this year-long period you looked at in
24 these different countries, more people in Singapore
25 searched for Vern Unsworth than any other country

November 01, 2019

1 in the world, as a percentage of people who were
2 who were running Google searches?

3 **A. That would be correct.**

4 Q. Right. Now, Google doesn't tell us what
5 that percentage is, right?

6 **A. That's correct, as well.**

7 Q. And we don't know that. And Google doesn't
8 tell us how many people -- and Google doesn't tell
9 us what that percentage for any country, not just
10 Singapore, but for any of the countries listed in
11 the chart on top of Page 19, right?

12 **A. That is correct, as well.**

13 Q. And Google also doesn't tell us the number
14 of users that ran searches for Vern Unsworth in any
15 of these countries during this period either,
16 correct?

17 **A. That is correct, as well.**

18 Q. So all they're telling us is the
19 percentage, whatever it was, of people in the world
20 who were searching for Vern Unsworth was highest in
21 Singapore?

22 **A. Among the search terms that people were
23 using in Singapore, that's correct.**

24 Q. Yes. And -- right. Well, obviously, it
25 doesn't matter what search terms they were using.

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1 It's just telling us -- yeah. We're in agreement.

2 Okay. Now I think I understand what's going on.

3 So as you sit here today, you don't know
4 what any of these percentages were for any Google
5 user in any country, correct?

6 **A. That's correct.**

7 Q. So even though Singapore had the highest
8 percentage of Google users who were searching for
9 Vern Unsworth, among all search terms they were
10 searching for in Singapore, for all we know, it
11 could be anywhere from 100 percent to .00001
12 percent, for all we know, right?

13 **A. That's correct, as well.**

14 Q. That's true for every country in the world.
15 We had no idea what percent of Google users
16 searched for Vern Unsworth in the period of
17 June 15th, 2018, until July 28, 2018, on the top of
18 Page 18, right?

19 **A. That's correct.**

20 Q. And it's also true for the -- the period
21 under Study on the bottom of Page 18, July 1 to
22 July 1, 2018 to 19?

23 **A. That's correct.**

24 Q. Okay. Now next question.

25 The -- the chart, I'm looking at the chart

November 01, 2019

1 BY MR. SCHWARTZ:

2 Q. You can answer.

3 **A. That would be correct.**

4 Q. Okay. I don't see the United States
5 listed. Is it -- is it because it -- it -- it's --
6 would be to the right of Mexico, were it to be
7 included on this chart?

8 **A. That would be my belief. I -- so the**
9 **answer is, yes, which is anticipatory, and I was**
10 **very clear about the search terms, why I think it's**
11 **important to look at the chart underneath this at**
12 **the bottom --**

13 Q. But before we get to that chart --

14 **A. Yes.**

15 Q. -- I just want to make sure I'm
16 understanding the chart on the top of Page 19.

17 The Unites States isn't on that chart,
18 correct?

19 **A. That's correct.**

20 Q. And if it were -- if you were to include
21 the United States on this chart, you would have to
22 expand it to the right of Mexico. In other words,
23 it would be a smaller percentage of than whatever
24 Mexico's percentage was, correct?

25 MS. WADE: Object to the form.

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1 **THE WITNESS: That would be my belief.**

2 BY MR. SCHWARTZ:

3 Q. And as you sit here today, do you know how,
4 in effect, far to the right of Mexico the United
5 States would be if you had included it in your
6 chart?

7 **A. I do not.**

8 Q. Okay. I also -- I see -- I don't see the
9 United Kingdom on this chart. I see Ireland, but
10 not the United Kingdom. Is -- is -- do you see --
11 did I miss it? Do you see it on this chart?

12 **A. I do not.**

13 Q. All right. So, is it correct, also, that
14 the United Kingdom would be -- if it were to be
15 included on this chart, would have a -- a number or
16 a score smaller than Mexico's score?

17 MS. WADE: Object to the form.

18 **THE WITNESS: One would -- one could**
19 **assume that safely.**

20 BY MR. SCHWARTZ:

21 Q. All right. Now, these charts on Pages 17,
22 18, and 19, do they tell us whether anybody
23 believed anything Elon Musk said about Vernon
24 Unsworth?

25 **A. These charts do not.**

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1 Q. Do these charts tell us whether
2 Mr. Unsworth's reputation has been harmed to any
3 degree as a result of anything Elon Musk said about
4 him?

5 A. These charts do not. Which is the reason
6 why I specifically recommend the strategic research
7 to determine the amount of harm that was done.

8 Q. Right. Okay. All right. Then, let's look
9 at the map of the United States on the bottom, sort
10 of, portion of Page 19.

11 Do you see that?

12 A. I do.

13 Q. All right. And so, this was -- this is a
14 Google analytic for the period July 15 to
15 August 28, 2018, correct?

16 A. That's correct.

17 Q. And is this telling us within the
18 individual states in the United States where --
19 well, actually, why don't I just ask you to tell
20 me.

21 What is this telling us as to the
22 individual states represented here for Google
23 activity during the period studied?

24 A. It's telling me that there is a higher
25 percentage of people who were searching for the

November 01, 2019

1 term "Vernon Unsworth" in the states that are in
2 blue, and -- and I'm not sure -- and I can't -- I'm
3 not saying that it's the highest -- you'll see one
4 is a much darker blue in the map?

5 Q. Yes. It looks like the state of Indiana.

6 A. Yeah. And I'm not -- and I'm not going to
7 say that that means that was a -- the highest.
8 I -- I honestly don't know why that one turned out
9 a higher blue, and I couldn't get an explanation
10 from Google. But what it's telling me, as you're
11 pointing together a reputation and repair program,
12 the states that have no blue are the states that --
13 where you would not want to concentrate your
14 advertising campaign the most. You -- you would
15 want to concentrate your advertising campaign and
16 your repair campaign primarily in the states that
17 have blue. Not to say that you would disregard the
18 states that don't have blue, but that's where you
19 would focus your research, your repair campaign.

20 Q. Okay. Just so I understand, though, the --
21 there's no legend, if you will, to this map. Does
22 the fact that Indiana appears to be dark blue --
23 can -- can we tell from this map how many searches
24 were run on Vern Unsworth in the United States
25 during this period?

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1 **A. We cannot.**

2 Q. Can we -- does this tell us how many people
3 read anything about Vern Unsworth during the
4 period?

5 **A. This map does not.**

6 Q. Does it tell us whether anybody believed
7 anything, whether they read anything Elon Musk said
8 about Vern Unsworth during the period?

9 **A. It does not.**

10 Q. Okay. So it just tells us what relative --
11 one state relative to the other -- what percent of
12 the population in that state who was using Google
13 for searches used Vern Unsworth as a search term?

14 **A. Yes.**

15 Q. But we don't know how many people were
16 running the searches, or even what the highest
17 percent in any given state, such as Indiana, was,
18 do we?

19 **A. We do not.**

20 Q. So, Indiana could be blue even if
21 .00001 percent of the Google users were searching
22 for Vern Unsworth, among all the terms they were
23 using, for all you know, right?

24 **A. The way you -- you stated that, I'm -- I'm**
25 **not sure exactly. So let me put it into my words.**

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1 That the blue represents, among the search terms
2 that people were searching for in the United
3 States, Vernon, or Vernon Unsworth -- I'm not sure
4 which they used -- was a more popular term in the
5 states that are coming up blue.

6 Q. Right. In the -- more popular in the sense
7 that in that state, a higher percentage of users
8 were using Vern Unsworth to conduct searches than a
9 state that didn't get as dark a color?

10 A. That's correct.

11 Q. Right. What I'm saying is -- but Google
12 isn't telling us that 5 percent of the people in
13 Indiana, for example, ran Vern Unsworth searches
14 during this period, correct?

15 A. That's correct.

16 Q. And so, Indiana could qualify, as it did
17 here, for the most -- the highest percentage of
18 Vern Unsworth searches, even though it may turn out
19 to be the case that the percent of people in
20 Indiana who ran Vern Unsworth as a search term
21 during this period, as compared to all Google
22 users, was .00001 percent, could still end up --
23 Indiana could still have been the highest, right?

24 A. That's possible. That's correct.

25 Q. Okay. And what -- you don't know, one way

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1 about message crafting; I'd want to talk about
2 distribution method; I'd want to talk about
3 recovering one's professional reputation -- kind of
4 all the highlights here. I would want to talk
5 about the -- while we're given the opportunity,
6 hold on -- control -- I don't have it in front of
7 me, but I know it -- controlled and uncontrolled
8 method of how information is spread.

9 So I'm not sure that I have those outlined
10 in the summary opinions as clearly as I have it in
11 other parts of the report, so I just want to make
12 it clear that I would think that I would be asked
13 to expand about -- upon how I came to the
14 conclusions that I did. And so, those would be
15 examples of things that I would want to opine upon.

16 Q. I see. Okay. I think I understand what
17 you're saying. Just so we're clear, in other
18 words, you're saying your opinion -- the opinions
19 and testimony you're giving in this case are not
20 confined to the information on Pages 38 through 40.
21 They include material earlier in the report on
22 which you base the opinions that you ultimately
23 present on those pages, as well?

24 A. You articulated that much better than I
25 did.

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1 Q. You're -- you're really good at
2 communicating, aren't you? I meant that very
3 sincerely. You know how to give a compliment.
4 Anyway, never mind. Thank you. Let's move on.

5 But just so we go back to my prior
6 question. I just wanted to make sure I understand
7 things you may -- that confirm you're not giving
8 opinions on other things. So for example, you're
9 not going to be offering any opinions that
10 Mr. Unsworth lost any business as a result of what
11 Mr. Musk said about him, are you?

12 A. I am not.

13 Q. And you're not going to be testifying as to
14 the dollar amount of any damages to Mr. Unsworth
15 because of any emotional injury or embarrassment or
16 hurt feelings, are you?

17 A. I am not.

18 Q. Okay. And so, other than the -- at least
19 in terms of any opinions you may give in this case
20 with a dollar associated with it -- is it correct
21 that the opinion is confined to the cost of
22 repairing Mr. Unsworth's reputation?

23 A. Yes.

24 Q. All right. Are you offering any opinion as
25 to whether it was reasonably foreseeable that

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1 BuzzFeed would re-publish Mr. Musk's August 30,
2 2019, e-mail to Ryan Mac?

3 A. I think I would.

4 Q. And what is your opinion?

5 A. It's absolutely reasonable.

6 Q. What -- what's absolutely reasonable?

7 A. That -- that Ryan Mac would re-publish the
8 e-mail that -- that Mr. Musk assumed was off the
9 record.

10 Q. Okay. And why do you believe it was
11 reasonably foreseeable that -- to Mr. Musk -- that
12 BuzzFeed would re-publish Mr. Musk's August 2018
13 e-mail to Mr. Mac?

14 A. Well, it -- I'm glad you asked that
15 question. It's interesting. I've actually written
16 articles on that very issue about on the record,
17 off the record, background, deep background.

18 Simply put, Mr. Musk is not a virgin when
19 it comes to dealing with the media. He's had
20 interactions with the media for a number of years;
21 he has spoken to the media; he's talked to
22 reporters. Anyone who has had experience in
23 dealing with the media and who has PR people around
24 him, which Mr. Musk has had at a variety of his
25 companies, I would expect to know the difference

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1 between on the record, off the record, and the
2 rules that surround those terms that are used.

3 Q. Okay. Is there any other basis for your
4 opinion that it was reasonably foreseeable to
5 Mr. Musk that BuzzFeed would re-publish his
6 August 2018 e-mail, other than what you just told
7 me?

8 A. I would -- I would add that simply telling
9 a reporter that something is off the record without
10 getting a prior agreement that something is off the
11 record, or even on background, presumes that an
12 agreement is in place. And so, that didn't occur
13 here. And so, based upon Mr. Musk experience in
14 dealing with the media, I would expect that he
15 would know, if you will, the rules that surround
16 interactions with reporters.

17 Q. Okay. Just to be clear, though, have you
18 now told me all of the bases, the grounds, on which
19 you are going to express the opinion in this case,
20 that it was reasonably foreseeable that BuzzFeed
21 would re-publish that e-mail?

22 A. Yes.

23 Q. Okay. All right. Could you -- you have
24 your report in front of you -- could you look --
25 let's start at Page 3 and -- and so, you see

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1 there's a section, Research and Review. Do you see
2 that, Page 3?

3 **A. Yes.**

4 Q. Okay. And there's -- there are four bullet
5 points in the middle of that section, and the lead
6 in it says, I reviewed the following documents.

7 Do you see that?

8 **A. Yes.**

9 Q. Okay. Are these all of the documents
10 you've reviewed in -- as part of your work in this
11 case?

12 **A. So the answer is yes, but I think I also**
13 **make it clear that throughout the report, there are**
14 **hyperlinks of other documents that I reviewed. So**
15 **instead of listing them, I hyperlinked them.**

16 Q. Okay.

17 **A. So I want to make it clear this isn't the**
18 **exhausted list of everything. It includes the**
19 **hyperlinks; it includes the exhibits that were --**
20 **are at the back of my report, as well.**

21 Q. Okay. So did you review any depositions of
22 any testimony of any witness in this case?

23 **A. No.**

24 Q. Do you know that Mr. Unsworth was deposed
25 in this case a few weeks ago?

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1 A. I -- I don't know that I know Mr. Unsworth
2 was, but I've continued to follow the case, and I
3 know Mr. Musk was. So I'm going to answer, I
4 wasn't aware that Mr. Unsworth was. I'm -- no
5 one's told me.

6 Q. All right. And you did say a moment ago
7 you were aware Mr. Musk has been deposed in this
8 case, right?

9 A. Yes.

10 Q. Did you, at any point, ask to see a copy of
11 the transcript of Mr. Musk's deposition?

12 A. No.

13 Q. Did you -- why not?

14 A. Because I don't want it to color or
15 influence my opinion looking at this from an
16 outside perspective. I mean, I think I would
17 before trial to have a full understanding of his
18 thought process. I've read stories subsequently
19 that have been published that kind of outline
20 the -- the deposition, but I have not read his
21 deposition, nor have I sought his deposition.

22 Q. Okay. All right. What about any other
23 documents, for example, that aren't referenced
24 either in this -- these four bullet points or that
25 are specifically identified or hyperlinked in your

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1 report, have you reviewed any other documents?

2 A. No.

3 Q. So just so we're clear, do you know that
4 the parties have produced documents to one another
5 from their files?

6 A. I would -- as a normal course of
7 litigation, I would assume that. I don't know
8 that, but that would be my assumption.

9 Q. Have you seen any of those documents?

10 A. I have not.

11 Q. Now then, continuing on Page 3, there's a
12 section that begins, Overview of the complaint, and
13 it goes on Page 3, 4, and 5, right?

14 A. Yes.

15 Q. Okay. So is this background information
16 that you wanted to put in here, or are there --
17 is -- are these opinions that you're going to
18 testify to at trial, as well?

19 A. It's a combination -- it's a combination
20 of -- of both. Some are -- well, let me back up.
21 Just the way I think, and the way I just typically
22 write reports -- whether it be for an expert
23 witness, which I've done very few of, as you can
24 see from my CV, or what I do for clients, I kind of
25 try to get a big picture of what occurred so I can

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1 was a pedophile; that he married a teenager; that
2 he traveled to Thailand often to have -- to have
3 sex with underaged people.

4 Q. Right. Let me -- maybe -- maybe there's a
5 better way to ask this.

6 Do you view yourself as an advocate for
7 Mr. Unsworth in this case?

8 A. Absolutely not.

9 Q. Okay.

10 A. I view myself as a person who would advise
11 him how to repair your reputation after your
12 reputation has been damaged, and I believe that the
13 record shows that his reputation is damaged.

14 Q. So when you were doing your work in this
15 case and preparing your opinions, you were trying
16 to approach this, to gather all of the facts and
17 produce an objective, fair assessment of the
18 situation, correct?

19 A. In the most unbiassed fashion possible,
20 because I often tell my clients when they're --
21 they're wrong and when they -- what they need to do
22 to right a wrong. So as part of the -- kind of
23 the -- as you talked about earlier, the crisis
24 management reputation aspect, I often talk to
25 clients about what you need to do when you've made

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1 a mistake.

2 Q. Okay. So you -- you're -- you don't view
3 your testimony as biased in favor of Mr. Unsworth
4 in any way, do you?

5 A. I think the very nature -- the answer is
6 no. But the very nature of saying that someone has
7 done something to harm someone and intentionally
8 harm someone would appear to be taking sides.

9 Q. And -- but you don't believe your role is
10 to take sides here, is it?

11 A. I don't believe it is.

12 Q. And -- and you don't intend to, do you?

13 A. I don't intend to take a side in the
14 dispute.

15 Q. Right.

16 A. I intend to talk about what I think are
17 facts and my -- my review of what I would believe.
18 Would be harmful based upon my experience,
19 information that's out there and how one would --
20 would repair that. The -- so I think that calling
21 someone a pedophile has natural implications when
22 it's -- if it's not true -- on someone's
23 reputation.

24 Q. Okay. In offering the opinions in this
25 case concerning Mr. Unsworth's reputation and the

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1 impact of Mr. Musk's statements on them, are you
2 required to follow any rules or standards issued by
3 any professional organizations?

4 **A. I am not.**

5 Q. Did you do anything before finishing your
6 report and coming here to testify in this
7 deposition to confirm that there are no
8 professional standards or regulations that govern
9 your work?

10 **A. I did not.**

11 Q. The -- are there any constraints that
12 govern the opinions that you're giving in this
13 case?

14 **A. Yes. To -- to be honest and not to -- to
15 make up facts that don't exist.**

16 Q. Okay. Does any book, article, or website
17 exist that says, If you're going to take steps to
18 repair a person's reputation, here's how one should
19 do that. Here's how it's done.

20 **A. There are numerous books out there that
21 talk about reputation, crisis communications. So
22 there's no one-shop place to -- to go. There's no
23 definitive bible. It's not like the law, where you
24 have codified rules, and these are the steps that
25 you can take. It's not like being a doctor where**

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1 you can diagnose something and say, This is the
2 treatment. If -- if you went to a variety of -- of
3 people who do what I do, it's my belief that they
4 would come to a similar conclusion.

5 Q. Did you do anything before you finished
6 your report or come here today to testify in this
7 deposition to confirm that the program you've
8 proposed for Mr. Unsworth is comparable to what
9 other professionals in the field, or others who
10 have written about it in the field, would
11 recommend? Did you do that -- take that step?

12 A. Not -- not precisely as -- as you said, as
13 you described. What I did do is take the step to
14 find out, okay, if you are going to do a digital
15 reputation program -- which is a significant part
16 of what I'm recommending -- what are the costs
17 involved? And so, I ask the firm I'm familiar with
18 about the costs, and they gave me some estimates.
19 And then I also looked online. I see that a person
20 who is trying to fix her digital reputation right
21 now is spending \$70,000 a month. I look to
22 find that -- I think I have it in my report -- to
23 Michigan State, and I know it seems like an
24 outrageous amount of money because it is, spend
25 \$500,000 in 1 month -- 1 month -- to do an analysis

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1 MR. SCHWARTZ: Right. We'll let the court
2 sort it out.

3 BY MR. SCHWARTZ:

4 Q. Did Mr. Musk make any public statements
5 about Mr. Unsworth between July 28th and
6 August 25th, 2018?

7 A. Well, your definition of "public
8 statements" and mine may be different. So he
9 didn't have any more Twitter activity, but he was
10 currently -- and he was communicating with the
11 reporter, who subsequently published his public
12 statement. So he was -- and when I use the word
13 "obsessed," it's my word and may not be the -- the
14 best word, but it's the CEO of a -- of a -- of --
15 of significant companies that have a lot of things
16 going on. For him to be worried about a statement
17 that Vernon Unsworth, an unknown cave diver at the
18 time, made about Mr. Musk and his submarine and his
19 plan and called it a PR stunt, I would say it's
20 obsessive to worry about it, to be tweeting about
21 it, and to be communicate with a reporter about it.
22 But that's my view.

23 Q. Okay. Do you know that in expressing your
24 view, are you taking into account the fact that
25 during that period Mr. Unsworth hired a lawyer who

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1 wrote a letter to Mr. Musk threatening a lawsuit if
2 he didn't come to some settlement?

3 MS. WADE: Object to the form of the
4 question. Assumes facts not in evidence.

5 THE WITNESS: I'm -- I'm aware that there
6 was a letter that was written.

7 BY MR. SCHWARTZ:

8 Q. And in your view, does that not --
9 you're -- are you taking that into account when
10 you're thinking that Mr. Musk was acting in some
11 inappropriate way during this period of time by
12 focussing on Mr. Unsworth?

13 A. Well, in taking --

14 MS. WADE: Object to the form of the
15 question. Sorry.

16 Go ahead.

17 THE WITNESS: In taking into account
18 that -- that he -- he said during this period of
19 time to -- and I will use -- leave out the
20 expletive here -- to sue him if it wasn't true.
21 And then I think the record shows from my -- from
22 the work that I did -- and it's in the appendix --
23 there are a lot of people who believe Mr. Musk when
24 he made those statements. And -- and arguably, he
25 hadn't sued -- he hadn't filed a lawsuit at that

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1 time. It was a letter, as I understand it,
2 threatening to sue or asking for correction. I
3 haven't seen the letter, so I don't know what it --
4 what it said precisely, taking -- we'll leave it at
5 taking legal action. But there were a number of
6 people at that period of time that believed what
7 Mr. Musk was saying.

8 BY MR. SCHWARTZ:

9 Q. How many?

10 A. We don't know, and we won't know until we
11 do the research.

12 Q. And by the research, you mean the surveys
13 to find out how many people out in the world heard
14 about what Mr. Musk said about Mr. Unsworth and
15 thought the damage to Mr. Unsworth's reputation --

16 A. Right.

17 Q. -- that's the research.

18 A. But the research I'm talking about, the
19 answer is yes. And obviously would be more
20 significant to do the world. My cost for the
21 research are confined to the United States.

22 Q. When you conclude or -- or -- or opine --
23 or use the term that Mr. Musk was "obsessed" with
24 Mr. Unsworth --

25 A. Right.

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1 Q. -- is that some special expertise you bring
2 to bear, that you're offering in this case?

3 A. I would say, based upon my experience in
4 dealing with CEOs who run large companies, they
5 generally don't focus on what a individual tweets
6 or says about them, who is an unknown person. And
7 so, therefore, it's my opinion that he was
8 obsessed --

9 Q. Right.

10 A. -- based upon my experience in dealing with
11 CEOs who have negative things said about them all
12 the time.

13 Q. Obsessed meaning what, in this case?

14 A. Obsessed meaning that he spent more --
15 first of all, that he responded to the comment
16 that, I believe -- I don't have the evidence to
17 show it. I would like to see a deposition to see
18 how he came about it -- but that someone showed him
19 a statement that Vernon -- or he found a statement
20 that Vernon Unsworth said about him, and decided
21 that it was so over the top and offensive to him
22 that he decided to take to Twitter to allege that
23 he was a sexual deviant.

24 Q. What was it that Mr. Unsworth said about
25 Mr. Musk that you believe caused Mr. Musk to say

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1 comment?

2 **A. No comment, I'll give you a little -- a**
3 **lesson --**

4 Q. Just yes or no.

5 Have you ever advised your clients to say,
6 No comment?

7 MS. WADE: Well, he can explain his
8 answer. After --

9 **THE WITNESS: Actually, I've advised my**
10 **clients many times on the use of the word "no**
11 **comment" and what the appropriateness of it is and**
12 **when to use it and when not to use it.**

13 BY MR. SCHWARTZ:

14 Q. Have you ever used -- have you ever told a
15 reporter, no comment?

16 **A. I have never used that term speaking to a**
17 **reporter that I can ever recall.**

18 Q. I'm sorry. You've never used a term?

19 **A. The term "No comment."**

20 Q. Oh, well, have you ever, in sum or
21 substance, said, You know, I'd rather not answer
22 that question, or deflected a question?

23 Have you ever done that in 30 years of
24 media work?

25 **A. Actually, what I have done in all my time**

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1 is to answer questions in the most honest way that
2 I can answer a question for a reporter, and using
3 the word no comment is not in my vocabulary.

4 Q. Those -- that was your -- that -- that's
5 your word about what Mr. Musk didn't do -- or
6 Unsworth didn't do. Forget that.

7 He didn't have to answer that question, did
8 he? He could have said, You know, I'd rather not
9 say, and smiled.

10 He could have done that, right?

11 MS. WADE: Object to form.

12 Go ahead.

13 THE WITNESS: In -- in your world, he
14 could have done that, but --

15 BY MR. SCHWARTZ:

16 Q. How about in the world of CNN?

17 MS. WADE: Hold on -- hold on -- let him
18 finish.

19 THE WITNESS: There was no reason for
20 Mr. Unsworth not to offer his opinion about a
21 high-profile person coming in and offering a
22 submarine. He was an expert on caves. He's an
23 expert on cave rescues. He's asked a question in
24 an interview about whether or not he thinks that
25 this high-tech, arguably very innovative capsule

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1 would be successful in rescuing the kids in this
2 specific cave, and he gave an answer to what he
3 thought about it, including adding that it was a PR
4 stunt and that -- what he could do with it.

5 BY MR. SCHWARTZ:

6 Q. Did Mr. Unsworth have to add the statement,
7 it was a PR stunt, in order to answer the
8 reporter's question?

9 A. He didn't have to, but I think it was an
10 honest answer and an honest view of what he
11 believed was occurring at the time.

12 Q. Did he have to say, in order to answer the
13 reporters question, Mr. Musk can stick the sub
14 where it would hurt?

15 A. I would never advise him to have said that,
16 and I think that was -- wasn't necessary.

17 Q. Was it -- is that the most -- the -- the
18 most -- the harshest criticism you can level
19 against saying that, it wasn't necessary? It was
20 an appalling thing to say, wasn't it?

21 MS. WADE: Object to the form.

22 THE WITNESS: Well, I think that he was
23 careful not to use vulgar language, like Mr. Musk
24 does with reporters in talking about -- about
25 Mr. Unsworth. But I think that it was clearly

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1 not -- not -- it wasn't -- it wasn't a smart thing
2 to say. It was stupid. But it also, to the world,
3 put into -- at least in -- I believe in
4 Mr. Unsworth's mind, kind of summarized what he
5 thought about the whole idea.

6 BY MR. SCHWARTZ:

7 Q. That -- that to summarize what Mr. Unsworth
8 thought about the whole idea, you think--

9 A. It was a PR -- it was a PR stunt --

10 MS. WADE: Hold on. Let him finish.

11 BY MR. SCHWARTZ:

12 Q. Not a PR stunt, the stick it where it would
13 hurt. Why was -- why do you believe that it was
14 not smart and -- and not -- what was the other term
15 you said? You said -- you -- let's start again.

16 Why was it not a smart thing and, in fact,
17 a stupid thing for Mr. Unsworth to say to the CNN
18 reporter that Mr. Musk could stick his sub where it
19 hurts?

20 MS. WADE: Object to the form.

21 Go ahead.

22 THE WITNESS: Because I think that
23 Mr. Unsworth could have ended his thought at, It
24 was a PR stunt. There was no reason, in my mind,
25 for Mr. Unsworth then to go on and -- and say

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1 something that is crude. It just -- it's -- to me,
2 wasn't -- wasn't a good move, but he's also not
3 a -- a polished speaker, you know. He's given some
4 TV interviews, but he hasn't given a lot. He's
5 just -- he -- he was giving an honest view and said
6 something off the top of his mind that -- I think
7 that -- I would assume that he would even regret.
8 But it doesn't under -- it doesn't diminish the
9 fact that -- going back to your previous question
10 to how we got to this question about why I think he
11 was on a campaign, no executive of a company the
12 size of -- in my view, of Mr. Musk companies would
13 learn about a statement that a cave diver made and
14 then go on a war to call him a pedophile.

15 MR. SCHWARTZ: Okay. I'm going to move to
16 strike that last part as non-responsive.

17 BY MR. SCHWARTZ:

18 Q. But let me ask you this: The term that
19 Mr. Musk used in the tweet was "pedo guy."

20 A. Right.

21 Q. You don't know -- you have no personal
22 knowledge whether Mr. Musk intended that to be an
23 insult or to be a -- to mean "pedophile," do you?

24 A. Well, actually, I believe I do. So --

25 Q. So you're a language expert, as well, is

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1 my -- my view may have been clouded. And the news
2 story say that -- from what I've read, that --
3 depending on what day he said it, Mr. Musk has
4 talked about it being a South African term that is
5 slang. He's also, according to news stories, said
6 that -- or rephrase that -- I don't know that he
7 has said that it was pedophile. I know from news
8 stories that I've read, subsequent to my filing of
9 the report, that he has regretted using the term
10 and regretted hiring a private investigator to try
11 to dig up dirt on him.

12 Q. Okay. Let's see if we got an answer.

13 You've never asked, obviously, Mr. Musk,
14 what did you mean when you said -- used the term
15 pedo guy?

16 A. I'd love to ask him, but I've never asked
17 him.

18 Q. And why don't we leave it at that, and
19 let's just ask -- let me ask a few questions --

20 A. Okay.

21 Q. -- close this out, and then take a break.

22 All right. Let's go back to Page 4. You
23 write at the bottom of Page 4, August 28, 2018,
24 Mr. Musk tweeted that he found it odd Mr. Unsworth
25 did not sue him for his previous remarks,

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1 insinuating that he must be guilty. So you're
2 thinking is -- that's what you wrote there, right?

3 **A. That's correct.**

4 Q. And he, being Mr. Unsworth, and guilty,
5 meaning guilty of pedophilia?

6 **A. Yes.**

7 Q. Okay. The -- that's your interpretation of
8 Mr. Musk's tweet, correct?

9 **A. Yes.**

10 Q. And do you believe that it is -- that's
11 clear from the -- the tweet, such that anybody
12 would reach that same conclusion?

13 **A. I think it's clear that many people reached**
14 **that conclusion. Because as the evidence in my**
15 **report shows in the appendix, people made it clear**
16 **that Mr. Musk was calling Mr. Unsworth a pedophile.**

17 Q. Right. And just to clarify, though, as you
18 sit here today, you don't know how many people in
19 the world believe that, do you?

20 **A. That's correct.**

21 Q. Or what percentage of the world's
22 population believes that?

23 **A. That's what research will tell us.**

24 Q. Tell you what, why don't we go off the
25 record.

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1 **A. Okay.**

2 Q. I think we have lunch for you next door.
3 Then we can keep it and eat it in your breakout
4 room so it's more efficient.

5 THE VIDEOGRAPHER: The time is 12:49 p.m.
6 We are off the record.

7 (A recess was held from 12:49 p.m. to 1:39 p.m.)

8 THE VIDEOGRAPHER: This commences Media
9 Number 3. The time is 1:39 p.m. We are on the
10 record.

11 BY MR. SCHWARTZ:

12 Q. Mr. Rose, do you have any -- are there any
13 opinions that you're planning to offer at trial or
14 any testimony at trial that's not in your report?

15 **A. No.**

16 Q. Did you write any notes while you were
17 doing your work?

18 **A. No.**

19 Q. Is that just a practice or happenstance?

20 **A. I can't read my own writing. So as a**
21 **practice, I don't generally take notes.**

22 Q. So I just want to make sure you understand,
23 this deposition is my only chance on behalf of
24 Mr. Musk to ask you questions about your testimony
25 before trial. You understand that?

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1 advantage of his celebrity in this way. I haven't
2 spoken to him, but just the same way that Sully
3 Sullenberg took advantage of his heroic acts with
4 the flight that went down; the same way that the
5 three gentlemen who helped saved and rescue and
6 stop a terrorist attack in Paris, a movie was made
7 about them; the same way a movie was made about
8 lone survivor. I don't think any of these people
9 got into doing something in a positive way or being
10 involved in something significant that garnered
11 worldwide attention where -- where at some back --
12 in the back of their mind, at some future date
13 after the act had finished, that they thought that
14 they could capitalize on it.

15 Q. The first few words of your answer were,
16 You certainly hope that that's what Mr. Unsworth
17 wants, but my question was different.

18 Do you know what Mr. Unsworth wants in that
19 regard? So let me ask the question again. Okay?

20 A. Okay.

21 Q. To your knowledge, is Mr. Unsworth someone
22 who wants to make money from fame and celebrity?

23 MS. WADE: I'm just going to object to the
24 form.

25 Go ahead.

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1 **THE WITNESS: I believe I've answered. I**
2 **haven't ever spoken to Mr. Unsworth. I can't**
3 **purport to know what he wants to do.**

4 BY MR. SCHWARTZ:

5 Q. Okay. Now, looking at the -- the -- your
6 reputation repair plan on Pages 39 and 40 of your
7 report and -- have you ever planned or carried out
8 a reputation repair plan of the scope and cost of
9 what you are suggesting for Mr. Unsworth for anyone
10 who was not a celebrity or a well-known person?

11 **A. I've been involved in reputation repair**
12 **campaigns. Have I ever personally put together a**
13 **campaign? Is that the question?**

14 Q. That's the import of it, just to clarify.
15 In other words, I'm asking if you have ever planned
16 or carried out a reputation repair plan of the
17 scope and cost of what you're recommending in your
18 report be done here for someone who was not a
19 celebrity or a well-known person.

20 **A. Are we limiting? I want to be clear,**
21 **because I want to answer your question accurately.**
22 **Are we limiting it to individuals?**

23 Q. Yes.

24 **A. No.**

25 Q. Have you ever planned or carried out a

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1 reputation repair plan of the scope and cost of
2 what you recommend in your report for Mr. Unsworth
3 for anyone without knowing how many people might
4 believe the bad things that have been said or
5 reported about that person?

6 A. No. But this is a different situation, and
7 I don't think the answer truly lends itself to a
8 yes-or-no answer.

9 In this case, and similar cases to this,
10 the glue that underlines, kind of, the reputation
11 repair campaign would be the strategic research,
12 and that research would be necessary to understand
13 to the extent in which someone's reputation would
14 need to be repaired, meaning where you need to
15 focus, what would the messages be. So I don't know
16 if that answers your question or not, and I
17 apologize if I didn't.

18 Q. Until the you do the kind of research that
19 you're talking about and that you -- you don't know
20 which of the steps in your repair program are
21 necessary or the extent of which you need to take
22 those steps or for how long or how much you need to
23 spend, correct?

24 A. Actually, I think that I'm very confident
25 about the steps that need to be taken to repair

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1 someone's reputation. The only thing that I can't
2 truly give a hard figure to is the complete cost of
3 the campaign, and that's why I erred on the
4 conservative side. Because the campaign -- I think
5 that the -- the numbers that I gave are -- and I
6 think I said this earlier -- at the floor, not the
7 ceiling, because you could -- there could be more
8 money necessary in one area than I've allocated. A
9 experienced media buyer could negotiate better
10 rates in one area than another. So there's a lot
11 of factors that play into it.

12 Q. But isn't it true that until you do the --
13 the research to find out where Mr. Unsworth's
14 reputation has been harmed, if it's been harmed
15 anywhere, to what extent, what countries, how many
16 people, you don't know that all of those steps are
17 actually necessary, do you?

18 A. Well, actually, I believe that based upon
19 what I've seen and what my analysis is to where
20 the -- in my view -- the reputational harm is on --
21 to Mr. Unsworth, I think I believe that those steps
22 are all necessary.

23 Q. When you say those steps are all necessary,
24 you mean all of the steps laid out on the chart on
25 Page 39 of your report?

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1 **A. Yes.**

2 Q. And you say that even without having
3 conducted the research, conducting surveys or focus
4 groups in each of the countries you're recommending
5 that these repair steps be taken?

6 **A. That's correct.**

7 Q. So what if it turns out that you do -- well
8 let me start a different question.

9 The -- the market research that you say is
10 necessary, that's the first step, right -- not
11 market research -- the research, correct?

12 That's the first step, right?

13 **A. Yes.**

14 Q. And that involves, what, focus groups and
15 surveys?

16 **A. That's correct.**

17 Q. All right. And would you do those in each
18 of the 22 countries, potentially, at issue here?

19 MS. WADE: Object to the form.

20 BY MR. SCHWARTZ:

21 Q. Is that what you're recommending in your
22 report that Mr. Unsworth do?

23 **A. If -- if I -- if I thought there were**
24 **unlimited resources available and you were a**
25 **corporation, absolutely, I would say, yes, in**

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1 all -- in every -- every major country. However,
2 in my report, I believe that you can do it in the
3 United States alone for the cost that I have
4 provided and -- and use that information that I
5 believe, in my experience, it will be very similar
6 to messaging and understanding of what people
7 believe, that you can apply that to all the other
8 countries. So I give -- I -- for this -- again,
9 when I say conservative cost, and others may
10 disagree and think you need to do it in every
11 country. I know one researcher who I've worked in
12 the past who would say, No, you need to do it in
13 every country. I believe that the information that
14 you'll glean from the research will be significant
15 that you can apply the lessons and information
16 learned to all the countries.

17 Q. So that we're clear, then, the first item
18 on your task list, Strategic research at a cost
19 estimate of \$300,000, that's for just in the United
20 States?

21 A. Yes.

22 Q. All right. So -- and if you did that
23 research and you asked the focus group participants
24 or the survey participants, What's the name of the
25 person that Elon Musk called a pedo guy, or said

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1 other bad things about, what percent of the
2 participants would say, Vernon Unsworth?

3 MS. WADE: Object to the form of the
4 question.

5 **THE WITNESS: I don't speculate. I**
6 **wouldn't want to hazard a guess.**

7 BY MR. SCHWARTZ:

8 Q. And what's the percent of that group, if
9 they were asked, Who is Vernon Unsworth, would
10 know -- would be able to say they actually knew who
11 he was?

12 MS. WADE: Object to the form of the
13 question.

14 **THE WITNESS: Precisely the reason why the**
15 **research needs to be done. I couldn't give you an**
16 **answer.**

17 BY MR. SCHWARTZ:

18 Q. What percent would say that Vern Unsworth
19 is the person Elon Musk said bad things about?

20 MS. WADE: Object to the form of the
21 question.

22 **THE WITNESS: The same answer I've given**
23 **before. I wouldn't want to hazard a guess.**

24 //

25 BY MR. SCHWARTZ:

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1 Q. You don't know?

2 A. I don't know.

3 Q. Okay. What percent would say that they
4 believe the things Mr. Musk said about
5 Mr. Unsworth?

6 MS. WADE: Object to the form of the
7 question.

8 THE WITNESS: The research would tell us
9 that, so I don't have an answer to that.

10 BY MR. SCHWARTZ:

11 Q. What percent would say that they thought
12 Mr. Unsworth's reputation was hurt by what Mr. Musk
13 said about Mr. Unsworth?

14 MS. WADE: Object to the form of the
15 question.

16 THE WITNESS: I can't give you a
17 percentage.

18 BY MR. SCHWARTZ:

19 Q. Can you tell me anything about it, even if
20 you can't give me a percentage? Do you have any
21 idea how many people, or what percentage, or by any
22 other measure, would say they believed that
23 Mr. Unsworth's reputation was hurt by what Mr. Musk
24 said about Mr. Unsworth?

25 MS. WADE: Object to the form of the

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1 question.

2 THE WITNESS: Again, I would not want to
3 give you a number or percentage of people, but I
4 can tell you, based upon the research that I have
5 and the documentation in my report where people
6 have commented, that Elon Musk must know something
7 that we don't know; otherwise, he would not have
8 tweeted it out and made those statements. I
9 believe there is a percentage, and we just don't
10 know how much ^ CK still believe the accusations
11 that are out there.

12 BY MR. SCHWARTZ:

13 Q. Is the sample size of -- that you've -- of
14 the people you've seen who said that statistically
15 significant for purposes of -- of doing the kind of
16 work necessary to determine whether, in fact,
17 that's a -- a reliable measure of what people are
18 thinking about whether Mr. Unsworth's reputation
19 was harmed by what Mr. Musk said?

20 MS. WADE: Object to form of the question.

21 THE WITNESS: It's a complicated question,
22 but let me try to answer it. It gives me -- it's
23 enough information for me to recommend that you
24 need strategic research. And it's not
25 statistically -- there's -- there's no -- no one

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1 who would ever believe that the people that I was
2 able to find and look at the internet on a very --
3 not a detailed review of every single comment --
4 there's enough people out there that believe that
5 the comments that Elon Musk made are true, that it
6 requires strategic research to find -- to get a
7 better understanding of what the real population
8 number is.

9 BY MR. SCHWARTZ:

10 Q. So you're saying that it is or isn't a
11 statistically reliable method of determining
12 whether people think Mr. Unsworth's reputation has
13 been harmed?

14 MS. WADE: Object to the form of the
15 question.

16 THE WITNESS: It's not a statistically
17 reliable method, which is the reason why you need
18 to have the research conducted.

19 BY MR. SCHWARTZ:

20 Q. The -- before you recommend to Mr. Unsworth
21 that he undertake reputational repair work in a
22 country outside the United States, wouldn't you
23 want to know first whether a meaningful number of
24 people in each of those countries even knows who he
25 is, or whether that Mr. Musk said anything about

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1 interest could be varied. I don't know. Do I
2 think he has a -- has a right to have his -- his
3 reputation and his slate clean by that? So if --
4 using your answer, if only three people knew in
5 that country and three people had a negative view
6 or believed Mr. Musk's statements about
7 Mr. Unsworth, I would say, spend some money in the
8 country and have your reputation fixed. There's no
9 reason to -- to just allow his reputation to be
10 soiled because only a handful of people in that
11 country, in my view, know about it.

12 Q. I see. So if there were three people in
13 Denmark that knew Vern Unsworth, knew Elon Musk had
14 said things about him, knew they were bad, and
15 thought Mr. Unsworth's reputation would be harmed
16 by it, how much, minimum, would be reasonable, in
17 your view, for Mr. Unsworth to spend to repair his
18 reputation in Denmark?

19 MS. WADE: Object to the form of the
20 question.

21 THE WITNESS: I don't even -- your
22 question is how many people knew Vern Unsworth?
23 I'm not even saying that people have to know him.
24 He got introduced to the world -- I would say he
25 got introduced to the world, that people were

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1 aware -- the word would be aware of Vern Unsworth
2 and what occurred, and that -- that reputation
3 repair program would have to be customized.

4 BY MR. SCHWARTZ:

5 Q. Well, do we know -- do you know, as you sit
6 here today, whether anyone in Denmark is aware of
7 Vern Unsworth?

8 A. I do not know.

9 Q. Do you know whether anyone in Denmark
10 thinks Mr. Unsworth's reputation has been harmed by
11 Mr. Musk?

12 A. I don't know that.

13 Q. So in this market research that your --
14 survey research, focus group research -- that you
15 believe should be done at the start of the
16 reputation repair program, what minimum percentage
17 of survey respondents would have to tell you that
18 they knew who Mr. Unsworth was before you would
19 conclude that Mr. Unsworth even has a reputation in
20 a particular country like the US or somewhere else?

21 A. I don't know that I would put a percentage
22 on it. I would say that if they were aware of the
23 accusations against him and -- and it was above one
24 person, he has a right to have his reputation
25 repaired.

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1 Q. Okay. I'm asking you slightly different
2 question, and my question did not go to anything
3 Mr. Musk said or anything -- any damage to
4 Mr. Unsworth's reputation. We're just at the point
5 trying to figure out if anybody knows who
6 Mr. Unsworth is, if he has a reputation for
7 anything in a given country.

8 So my question is: What minimum percentage
9 of survey participants would have to tell you that
10 they knew who Mr. Unsworth was before you would
11 conclude that Mr. Unsworth even has a reputation in
12 a given country like the US or any of the other
13 countries on Page 39?

14 A. I couldn't --

15 MS. WADE: Object to the form of the
16 question.

17 THE WITNESS: I can't answer that
18 question.

19 BY MR. SCHWARTZ:

20 Q. Okay. What minimum percentage of survey
21 respondents or focus group respondents would have
22 to tell you that they believed what Mr. Musk had
23 said about Mr. Unsworth before you would conclude
24 that Mr. Unsworth's reputation was in need of
25 rehabilitation in that country?

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1 **A. I couldn't tell you that, either.**

2 Q. Is there some treatise, guide book,
3 professor somewhere who has expressed opinions on
4 this, to your knowledge?

5 **A. To my knowledge, no.**

6 Q. Okay. Would the amount of money you
7 thought Mr. Unsworth needed to spend in a given
8 country depend on the percentage or percent of
9 people who said they believe what Mr. Musk had said
10 about Mr. Unsworth?

11 **A. No.**

12 Q. So in other words, if -- you'd spend the
13 same amount of money in a given country if
14 95 percent of the people said they believed what
15 Mr. Musk had said, versus -- or you'd spend that
16 amount of money at 95 percent, you'd spend that
17 same amount of money if 2 percent of the people
18 said they believed what Mr. Musk had said about
19 Mr. Unsworth? Is that what you're saying?

20 **A. And maybe I am, again, not making myself**
21 **clear. I kind of put it into buckets. I think**
22 **that the top portion of the recommendations need to**
23 **be implemented no matter what. Then there can be**
24 **decisions made about additional digital repair --**
25 **reputation management repair -- in different**

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1 countries depending on his desire to fix his
2 reputation in those countries.

3 Q. Why would you feel it necessary to spend
4 any money in a country where an insignificant
5 percentage of the population believes that
6 Mr. Unsworth's reputation has been damaged by
7 Mr. Musk?

8 MS. WADE: Object to the form of the
9 question.

10 THE WITNESS: That's a question that
11 Mr. Unsworth would have to answer about how
12 important it is to have the slate wiped clean for
13 him across the world.

14 BY MR. SCHWARTZ:

15 Q. What -- what if -- would you recommend a
16 client spend money to wipe the slate clean in a
17 country where the slate doesn't even exist because
18 few, if any, people in that country either know who
19 the client is or believe their reputation has been
20 harmed?

21 A. I would not recommend it.

22 Q. Okay. Now, going back to the survey
23 research for purposes of design and repair plan,
24 what minimum percentage of survey respondents would
25 have to tell you they thought Mr. Unsworth's

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1 reputation was hurt by what Mr. Musk said about him
2 before you would conclude that Mr. Unsworth's
3 reputation was in need of rehabilitation in that
4 country?

5 **A. I couldn't --**

6 MS. WADE: Object to the form of the
7 question.

8 **THE WITNESS: I apologize. I couldn't**
9 **give you an answer.**

10 BY MR. SCHWARTZ:

11 Q. Okay. All right. Have you heard of a term
12 "Q score" or "Q rating"?

13 **A. I've heard of it.**

14 Q. Do you know what it means?

15 **A. No.**

16 Q. Do you know how it's calculated?

17 **A. No.**

18 Q. You haven't undertaken any Q score or Q
19 rating research in this case, have you?

20 **A. Not at all.**

21 Q. Okay. Is there any quantitative measure
22 that you're aware of -- of a person's reputation
23 that people in the reputation rebuilding business
24 use?

25 **A. Not that I'm aware of.**

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1 report.

2 Responding further, Rose directs Defendant
3 to Rose's report in this matter which will not be
4 reproduced.

5 Do you see that?

6 **A. I do.**

7 Q. Okay. And then if you look at the answer
8 to No. 7, it's substantially in the same form on
9 Page 7, lines 12 through 15.

10 Do you see that, as well?

11 **A. Yes.**

12 Q. Okay. What I want to do is mark some
13 documents and have you tell me one way or the other
14 whether those are the documents that you and
15 Mr. Unsworth's counsel had in mind when you were
16 saying what you were going to produce?

17 **A. Okay.**

18 Q. Thank you. So our next exhibit -- this
19 is -- that should be 115 and this --

20 THE REPORTER: This is 119.

21 MR. SCHWARTZ: Oh, sorry. Sorry. Sorry.
22 I'm giving you bad information. The first one is
23 119, and the second one is 122.

24 (Exhibits 119, 120, 121, and 122 were
25 marked for identification.)

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1 BY MR. SCHWARTZ:

2 Q. So we placed before you Exhibits 119
3 through 122. These are, as you can see,
4 Mr. Unsworth's counsel has put a stamp on the lower
5 right corner of each page with your name on it and
6 then it just keeps going numbers higher and higher
7 with each page.

8 Do you see that?

9 A. I do.

10 Q. So they did that so we would know what
11 documents -- what documents they were producing
12 from your files in response to our request, right?

13 A. That's correct.

14 Q. Okay. So can you tell me whether these
15 documents, exhibits which we've marked as Exhibits
16 119, 120, 121, and 122, are the documents that are
17 referred to as being produced in response to
18 Requests No. 6 and 7?

19 A. So the answer is -- is not a
20 straight-forward answer. Because it says, Any and
21 all documents constituting a reputation recovery
22 program as so identified on Page 25 of the report
23 that you, Englander, Knabe and Allen, have
24 performed in the last ten years.

25 That is not the reason why I looked or

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1 referred to these documents for my report. I
2 reviewed these documents for one purpose and one
3 purpose only, and that was to see if my estimates
4 for the -- what I believe the advertising costs are
5 would be correct. That is the sole purpose I
6 looked at these documents -- looked at advertising
7 costs alone. That's it.

8 Q. Got it. So are the documents identified as
9 Exhibits 119 through 121 reputation recovery
10 plan -- plans or documents that concern reputation
11 recovery plans?

12 A. No.

13 Q. All right. So what I'm going to do now,
14 unfortunately, unless counsel knows --

15 Counsel, do you know what documents you're
16 referring to that you're producing to us in those
17 responses?

18 MS. WADE: It's my understanding it's
19 those documents. So I'm not sure.

20 MR. SCHWARTZ: Okay. So I'm at least on
21 the same page as Mr. Unsworth's counsel. Good to
22 know.

23 Are there --

24 MS. WADE: I will say, I'm not the one who
25 put them together. So I'm --

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1 MR. SCHWARTZ: That's okay.

2 MS. WADE: I'm kind of the same spot that
3 you are.

4 THE WITNESS: And I didn't write this.

5 So --

6 BY MR. SCHWARTZ:

7 Q. All right. So do you know what --

8 MS. WADE: I'm not sure he's really
9 answering your question, but to the extent that
10 helps.

11 THE WITNESS: Let -- let me perhaps
12 shortcut this a little.

13 BY MR. SCHWARTZ:

14 Q. Please go ahead. Shortcuts are good.

15 A. I did -- we did not produce any -- I did
16 not produce any documents that -- that relate to
17 reputational programs that I or EKA have ever
18 undertaken. I said no, and our general counsel
19 agreed with me. I just did not produce those.

20 Q. Okay. And that's -- can you tell me why?

21 A. Because we have strict confidentiality with
22 our clients to not discuss their -- the programs
23 we've worked on beyond what we've put on in our --
24 in my CV.

25 Q. I see.

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1 **A. And that's the reason why unless I**
2 **so-identified the client by name in my CV, they're**
3 **vague.**

4 Q. Okay. So can we go off the record for a
5 second?

6 **A. Yeah.**

7 THE VIDEOGRAPHER: The time is 2:21 p.m.
8 We are off the record.

9 (A recess was held from 2:21 p.m. to 2:35 p.m.)

10 THE VIDEOGRAPHER: The time is 2:35 p.m.
11 We are on the record.

12 BY MR. SCHWARTZ:

13 Q. All right. So we -- we went off the
14 record. I just want to give you an opportunity to
15 clarify your prior answer so it makes some sense.

16 **A. Okay.**

17 Q. I had shown you some exhibits, 119 through
18 122, and one of the questions I asked you was, did
19 these constitute repair -- reputation repair
20 recovery plans or documents that concern them or
21 alike. You said they do not constitute reputation
22 repair recovery plans and that you consulted with
23 these solely to ascertain the advertising costs,
24 figures that you put into your report. Then we
25 went off the record. Now we're back on the record.

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1 that he undertake the steps on Page 39 of your
2 report, and you remember earlier you sort of drew a
3 line underneath television and radio ads and there
4 were steps and costs above that and steps and costs
5 below that?

6 **A. Yes.**

7 Q. Do you remember talking about that?

8 And I think you've testified that -- let me
9 see if I have this right. So there are nine tasks
10 in that upper group between strategic research and
11 television radio ads, right?

12 **A. That's correct.**

13 Q. Okay. And it's your opinion that
14 regardless of the results of the strategic
15 research, that is to say, the survey and focus
16 group research, and to the extent in which people
17 in the United States knew who Mr. Unsworth was,
18 believed his reputation had been damaged by
19 Mr. Musk, you -- you'd still recommend Mr. Unsworth
20 undertake those first nine tasks?

21 **A. I would. But I'd also add that the online**
22 **reputation management should be done in one of the**
23 **countries.**

24 Q. Which one?

25 **A. Well, I -- I would recommend the United**

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1 **States.**

2 Q. Oh, I see what you're saying. You're
3 saying, regardless in addition to doing the top
4 nine tasks --

5 **A. That's correct.**

6 Q. -- regardless of what that survey or
7 strategic research shows, you'd also recommend
8 doing the online reputation management program in
9 the United States?

10 **A. That's correct.**

11 Q. All right. So I've added up, just
12 ballparking on the first year, anyway, the costs of
13 doing the top nine is about \$10 million. If you do
14 the top nine plus the next one, it's -- it's a
15 little under \$11 million. So why don't we just
16 call it \$11 million for discussion sake?

17 **A. That sounds about right.**

18 Q. So what you're saying is that you would
19 recommend Mr. Unsworth spend \$11 million regardless
20 of what the results are of the strategic research?

21 **A. That's correct.**

22 Q. And if, after doing the research, it showed
23 that nobody believed Mr. Musk and nobody believed
24 that Mr. Unsworth's reputation had been harmed by
25 what Mr. Musk said about him, would you still

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1 recommend that Mr. Unsworth undertake those 9, 10
2 tasks?

3 A. I think the key word that you used is "no
4 one." So the answer is if not a single person
5 answered and replied in the strategic research that
6 they believed Mr. Musk's statements or that it has
7 no influence on -- on their opinion, I'd be less --
8 I would -- I would feel differently about the
9 campaign I would recommend. I'm not saying that he
10 shouldn't have to do something. I think that still
11 his reputation has been harmed and it's still
12 pretty evident from the research that when you
13 Google him, the first things you find are negative
14 information, but I think that the program that I've
15 recommended would be different. And that's the
16 reason why I was conservative in estimates. I
17 think that -- and I think your number of 11 million
18 could go up significantly and be more expensive if
19 the research came out where a high number of
20 people -- the majority of people -- who were
21 surveyed just have really negative feelings about
22 Vernon Unsworth.

23 Q. So what's -- let's start with the
24 hypothetical as I laid it out --

25 A. Okay.

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1 Q. -- but then move away from it.

2 But let's start with the one that I laid
3 out, which was no one believes Mr. Unsworth's
4 reputation has been damaged. That's the conclusion
5 of the strategic research.

6 What is the minimum amount of money you
7 would, nonetheless, recommend Mr. Unsworth spend in
8 the -- at least the first year?

9 A. Well, I think that you would -- it is
10 difficult for me to give a number. Because I think
11 a number of the steps need to be taken in order to
12 move down into Pages 5, 6, 7 on Google results --
13 or lower -- the -- the negative comments. I think
14 that you're -- you're still going to have to have
15 an online reputation program. I think you're still
16 going to need full-page newspaper ads. Maybe not
17 as many, but you're still going to need them.
18 You're still going to need to do online Twitter.
19 You're still going to need to do some -- so I think
20 the -- the elements of the campaign to clean up
21 what is out there right now, irrespective of if
22 anyone believed them, are still the same.

23 Q. So you would want to do the things you just
24 said in your answer, even if no one believed that
25 Mr. Unsworth's reputation had been harmed by what

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1 Mr. Musk said?

2 A. That's correct.

3 Q. So now in terms of -- let's say you don't
4 get a zero result from the strategic research. And
5 so, go back to what you were talking about before,
6 which was that you felt that you still want to do,
7 at a minimum, the first 10 steps on the plan in the
8 first year and cost of about \$11 million. I want
9 to focus on that.

10 A. Okay.

11 Q. So what is the minimum percent of people
12 the strategic research would need to show believe
13 that Mr. Unsworth's reputation was at all damaged
14 by Mr. Musk before you would want to spend that
15 \$11 million in the first year?

16 MS. WADE: Object to the form.

17 THE WITNESS: I wouldn't want to put a
18 minimum number on there because I think the -- what
19 I would point to is that the results show right now
20 that the -- the stories out there about
21 Mr. Unsworth being a sexual predator, marrying a
22 person who was a minor, are still out there and
23 prevalent; that he has a right not to have that be
24 the first thing that people ever see about him the
25 rest of his life when they do a search on the

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1 internet.

2 BY MR. SCHWARTZ:

3 Q. But what -- what -- well, I -- I -- just so
4 I understand your answer, are you saying that once
5 you get above, like, one person in the strategic
6 research thinking Mr. Unsworth's reputation has
7 been harmed by Mr. Musk, or the smallest percent
8 over zero, you think it's necessary for
9 Mr. Unsworth to spend that \$11 million in the first
10 year?

11 MS. WADE: Object to the form.

12 THE WITNESS: I think it's important to
13 take a step back and understand what the strategic
14 research would be used for. You're trying to put
15 percentages on to determine whether or not it's
16 necessary to implement a program. I think it's
17 necessary to implement a program based upon the
18 evidence in my report. The strategic research is
19 going to do something completely different.
20 What -- what do people know about Vernon Unsworth?
21 What do they know about Elon Musk? Would you be
22 more apt to believe -- this is on a telephonic
23 survey, a kind of big picture stuff -- you want a
24 big picture questions to get an understanding of
25 believability, and then understand and then the --

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1 A. I --

2 MS. WADE: Object to the form.

3 THE WITNESS: I don't -- I don't believe
4 that. I think the evidence that I've presented in
5 my report with the search results indicate what
6 needs to be corrected and what the -- kind of the
7 start of the campaign. That's not the goal of the
8 strategic research, so I would -- I would tell a
9 jury no.

10 BY MR. SCHWARTZ:

11 Q. So you're saying that without knowing
12 whether a meaningful number or percentage of people
13 think they know who Mr. Unsworth is, they think
14 Mr. Musk said something about him, they believe it,
15 they think it could be true, or Mr. Unsworth has
16 been harmed -- his reputation has been harmed at
17 all by what Mr. Musk said -- you'd proceed to or
18 you recommend that Mr. Unsworth proceed to spend a
19 minimum of \$11 million in the first year to repair
20 his reputation?

21 A. Mr. Unsworth isn't running for office. If
22 he were running for elective office, he'd want to
23 know percentage of people, likability, not
24 likability, who believe messages who have heard it.
25 I think the evidence here is that it's -- it's

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1 widespread that right now any time you go to look
2 up Vernon Unsworth, you'll find a preponderance of
3 negative stories, including stories that call him a
4 pedophile. I think the campaign that I'm
5 recommending is to help identify and understand
6 where it's -- where it's necessary to start the
7 program, what messages would be effective.

8 Q. Right. I -- I understand that would be
9 part of the research. I'm asking you, in addition
10 to the research, what I hear you telling me is that
11 you don't -- you would not do any research to -- to
12 understand whether or not anybody thinks
13 Mr. Unsworth's reputation has been harmed before
14 proceeding with your plan?

15 MS. WADE: Object to the form of the
16 question.

17 THE WITNESS: I think fundamentally the
18 answer is yes. I don't think it's necessary.

19 BY MR. SCHWARTZ:

20 Q. And you say the evidence is widespread
21 regarding the harm to Mr. Unsworth's reputation.
22 What -- what you told me that, as you sit here
23 today, you can't tell me whether anybody in the
24 world thinks Mr. Unsworth's reputation -- or what
25 percentage of the people in the world think

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1 Mr. Unsworth's reputation has been harmed by what

2 Mr. Musk said, right?

3 A. That's right.

4 Q. So making progress.

5 A. Okay.

6 Q. Okay.

7 A. I'm more amazed that you don't write upside
8 down, being a lefty.

9 Q. What's that?

10 A. I'm more amazed that you don't write upside
11 down or -- I have two brothers who are left
12 handed, and I'm --

13 Q. Oh, I don't know what I write.

14 A. -- they twist everything.

15 Q. All right. So you haven't done any focus
16 group testing or strategic research in this case
17 yet, have you?

18 A. I have not. And nor if Mr. Unsworth were
19 successful, I want to make it clear, I wouldn't do
20 it.

21 Q. Okay.

22 A. I wouldn't -- I wouldn't be a participant
23 in any way, shape, or form.

24 Q. Right. Have you done any analysis about
25 Mr. Musk's public perception or reputation as part

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1 of your work in this case?

2 **A. Beyond what's in my report?**

3 Q. Well, why don't we start with that. Beyond
4 what's in your report?

5 **A. Okay.**

6 Q. Have you, beyond what's --

7 **A. Beyond what's in my report? No.**

8 Q. Okay. Is there some part in your report
9 you can direct me to where you've told me whether
10 the public -- what percentage of the American
11 public like Mr. Musk, dislike Mr. Musk? Is that
12 research you've undertaken or reported upon in your
13 report?

14 **A. No. But what my report does point out is**
15 **the fact that Mr. Musk has -- is a -- is a**
16 **believable person, and that when Mr. Musk makes a**
17 **statement, that people believe what he says. And I**
18 **would -- I would go to Page 5 of my report where I**
19 **talk about it. So I -- I did not do any**
20 **independent research, to answer your question, but**
21 **I certainly discussed his credibility and**
22 **believability on Page 5 --**

23 Q. Right.

24 **A. -- beginning on Page 5.**

25 Q. Starts on Page 5 and continues on Page 6.

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1 A. Can I -- just -- the word "harassment" to
2 me is something like where people are personally
3 attacking him, but I think that the broader sense
4 is -- and I think it identified -- where people
5 talk about, well, if Elon Musk said it, relative to
6 being a pedo guy, that it must be true. He must
7 have some evidence. To me, that is harassing in
8 the very broadest sense. But to answer your
9 question, I have no specific knowledge of a person
10 harassing Vernon Unsworth.

11 Q. Beyond the tweets and photos and
12 information in Exhibit A, can you -- actually
13 withdraw that.

14 Focussing on the tweets that Mr. Musk sent
15 or posted or tweeted about --

16 A. And deleted.

17 Q. -- and deleted -- but, all the tweets that
18 Mr. Musk made that in any way, shape, or form have
19 anything to do with Vern Unsworth, do you know what
20 percent of people believe what Mr. Musk wrote?

21 A. I do not.

22 Q. With respect to the e-mails that Mr. Musk
23 wrote to BuzzFeed, including the August 28th
24 e-mail, do you know what percent of people believed
25 that what Mr. Musk was saying about Mr. Unsworth

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1 was true?

2 A. I do not.

3 Q. Do you know what percent of people in the
4 world think that Vern Unsworth is a pedophile or a
5 child rapist or married a child bride?

6 A. I have no clue.

7 Q. All right. You consulted with a company
8 called Five Blocks as part of your work, right?

9 A. Yes.

10 Q. Did you produce to us your correspondence
11 and communications with them?

12 A. I believe I did. I -- so it was very
13 limited to -- to -- I was on the phone with a
14 person from Five Blocks. I asked him if he could
15 run a couple of reports for me. He said yes and
16 e-mailed them to me. So there's -- there's not a
17 lot -- there's no correspondence back and forth. I
18 just -- I happened to be working with Five Blocks
19 for another client and interacting with them, and I
20 knew they had a capability that I did not have.

21 Q. Right. Did -- you didn't personally
22 conduct the Five Blocks an analysis reflected in
23 your report, did you?

24 A. I did not.

25 Q. And you didn't supervise any of the Five

November 01, 2019

1 Blocks analysis reflected in your report, did you?

2 A. I didn't.

3 Q. So let's go to Page 9 of your report. And
4 you write -- where is this?

5 Okay. So if you look -- you see the
6 heading, Vernon Unsworth?

7 A. Yes.

8 Q. And skip that first paragraph.

9 A. Yes.

10 Q. Go to the next paragraph.

11 A. Yes.

12 Q. And around the middle of that paragraph you
13 wrote, quote, At my request, I asked them -- and
14 that's Five Blocks, right?

15 A. That's correct.

16 Q. Okay. So I'm just going to say, At my
17 request I asked Five Blocks to provide me with
18 screen captures of the current on online reputation
19 for Vernon Unsworth.

20 Do you see that?

21 A. I did.

22 Q. Did you ask Five Blocks to do that?

23 A. I did.

24 Q. Okay. And then you -- let's skip to the
25 next paragraph. You wrote in your report, quote, I

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1 asked Five Blocks to provide me with the screen
2 grabs because they -- they, that's Five Blocks,
3 right?

4 **A. That's correct.**

5 Q. -- have a network of hundreds of proxy
6 computers situated around the United States and the
7 world that enable them to capture accurate
8 screenshots of search results that one would only
9 see if they searched a particular key word from a
10 specific geographic location. I use this data to
11 compare the local results by country and language.

12 Do you see that?

13 **A. I do.**

14 Q. Okay. How did -- and then the prior
15 paragraph for the last sentence we skipped over, it
16 says, The unfavorable pages are highlighted in red,
17 while favorable results are highlighted in green,
18 neutral results are in gray.

19 Do you see that?

20 **A. I do.**

21 Q. How did Five Blocks determine whether a
22 given news story should be highlighted in red,
23 green, or neutral?

24 **A. I don't ask them for this specific case,**
25 **but what their methodology is with other clients**

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1 that I work on is, they look at the headline, and
2 they look at the story, and they assign whether
3 they think it's a positive or a negative story.

4 Q. All right. So they did that work. You
5 didn't?

6 A. That's correct.

7 Q. What criteria or criterion -- whatever the
8 right word is -- did Five Blocks apply when they
9 looked at the headline or the story to decide
10 whether it should be rated or graded as favorable,
11 unfavorable, or neutral?

12 A. I can't tell you specifically how they did
13 it in this case. I can only tell you what they've
14 done for other clients where I've worked with them
15 on and currently working with them on.

16 Q. Well, as best you can, tell me what
17 criteria Five Blocks uses, if not in this case,
18 generally speaking, when they review a story to
19 decide whether to give it a favorable, unfavorable,
20 or neutral rating?

21 A. Generally speaking, they look at the
22 headline to find out if it's talking about a
23 controversial subject or it uses language that
24 repeats negatives. So if you look here, the --
25 they -- they call -- the first story here -- let's

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1 just look at, if we can, Page 11. And at the top
2 one, because I think it's illustrative of all the
3 other ones. So I think we could save some time
4 here.

5 Elon Musk is going to trial for calling a
6 cave diver a pedophile on -- and I don't know what
7 the rest of the headline is. The fact that it --
8 it talks about pedophile and then the story in
9 itself talks about Vernon, they would consider
10 negative. I just know that's how they -- they
11 work. This is a subjective analysis. It's not a
12 scientific analysis.

13 Q. Does the --

14 A. But --

15 Q. I'm sorry.

16 A. Because I want to make clear -- it also
17 highlighted where they have decided that something
18 was positive. And so, the headline, British diver
19 Vernon Unsworth who helped rescue Thai boys from --
20 I don't know what the rest of that story said or a
21 headline, but they made a determination that
22 whatever that story was, was positive.

23 Q. Okay. And then how -- what would cause the
24 Five Blocks system to grade something neutral?

25 A. Generally speaking, if it's -- and I -- and

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1 I don't know here, but in -- with other cases I've
2 done, if it brings a person back to a website or
3 home page that they've created, they -- they
4 generally have called that neutral.

5 Q. You mean that the subject of the story
6 created?

7 A. Right. Or yes. That's -- exactly. Or
8 there's just something very factual and dry or has
9 minimum amount of information. Again, I -- I don't
10 know, and I should have asked here and I can ask
11 what their analysis was, but it was done by a human
12 being, not by a machine.

13 Q. Right. Does -- does more than -- in -- in
14 the Five Blocks analysis that was performed for you
15 for this case, did more than one person review the
16 stories?

17 In other words, they divvied the work up
18 among more than one person to --

19 A. No. As -- as I understand it, one person
20 did the work.

21 Q. And did that person know who had hired
22 them? Like, it was Vern Unsworth, or someone
23 working for Vern Unsworth, requested this?

24 A. I was very clear that I -- so the answer is
25 yes. I told them that -- what I was doing and

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1 what, because I asked them to do me a favor and
2 provide screenshots and to give their analysis.

3 Q. So is this done by a piece of software or
4 by a human being or both, in order to produce the
5 results on Pages 11 and 12 and --

6 A. The -- this is done by a human being. They
7 have the ability to -- back up. There's something
8 I don't have the ability to do.

9 So if you do a Google search -- well, I
10 don't know if you know this already.

11 If you do a Google search for a person in
12 Los Angeles, and you do on the exact same day a
13 Google search for that person in New York, the
14 results that you're going to get on your page will
15 be different. You're not going to see the same
16 order. And because I know that from working with
17 other clients, I wanted Five Blocks to do screen
18 captures because they have proxy servers in
19 different cities around the country and around the
20 world. They have ability to fool the system to
21 believing that they are -- I don't know if they
22 physically have them there. I'm not positive how
23 it works. But they have the ability to get the
24 results as though they were in that city.

25 Q. I understand. I was asking something

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1 different, though.

2 A. Okay.

3 Q. So did a human being apply the pinkish red,
4 the green, and the gray --

5 A. Yes.

6 Q. -- to this page and send it to you?

7 A. Yes.

8 Q. And that was based on another human -- same
9 or some other human being's review of the headline
10 and the content of each of those stories?

11 A. Yes.

12 Q. And you said, in order to -- to assign the
13 green, red, or neutral evaluation to the story,
14 it's a subjective standard, not a scientific
15 standard; is that correct?

16 A. That's correct.

17 Q. And subjective meaning, it's in the eye of
18 the person who is reading the story to decide if
19 they think it's favorable, unfavorable, or neutral?

20 A. That's correct.

21 Q. Is the Five Blocks criteria written down
22 somewhere?

23 A. Not that I'm aware of.

24 Q. Did Five Blocks explain to you what sort of
25 training the person that makes these judgements was

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1 given before they made the assessments in this case
2 of whether to give a green, red, or neutral rating
3 to these stories?

4 **A. They did not.**

5 Q. Do you know whether the person who made
6 these assessments of red, green, and neutral in
7 your report had any specialized training?

8 **A. No.**

9 Q. Do you know whether the person who made
10 these determinations has any degree in journalism
11 or English?

12 **A. No.**

13 Q. Can you tell me anything about the person
14 who made these assessments --

15 **A. It's --**

16 Q. -- other than they were an employee of Five
17 Blocks?

18 **A. It's a person who is the CEO and founder of**
19 **Five Blocks who implements digital reputation**
20 **programs.**

21 THE REPORTER: Digital --

22 THE WITNESS: Reputation programs. So
23 it's -- you know, this is what he does for a living
24 in order to help move down or eliminate negative
25 content --

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1 BY MR. SCHWARTZ:

2 Q. Right.

3 A. -- as -- as they perceive it.

4 It's -- it's subjective. It's -- it's not
5 scientific, as you've said. It's based upon
6 headlines and a belief that the person has that
7 this is not a headline.

8 Q. So you said a bit earlier that something
9 would be assigned a neutral -- I think I heard you
10 right. If it was the -- the story redirected to a
11 website maintained by the person who was the
12 subject of the article. Is that -- did I hear that
13 right?

14 A. It's one of the criteria that I know with
15 other clients that they used, or if the article
16 just was very -- was short, bland, and factual. So
17 it's -- again, it's in a -- it's a subjective
18 viewpoint by the person looking at the site.

19 Q. Okay. Well, let's take a look at some of
20 these for a second.

21 A. Okay.

22 Q. So I'm looking at Page 13 of your report.
23 It says, Google Page 1 results for Vernon Unsworth
24 as seen in London.

25 A. Yes.

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1 Q. Is that what it says?

2 A. Yes.

3 Q. And are you certain, as you sit here today,
4 that these are the search results that Google would
5 generate if someone ran a search for Vernon
6 Unsworth in London on the date the search was run?

7 A. I'm reasonably certain.

8 Q. Okay. Take a look at the prior page, which
9 is labeled Google Page 2 results for Vernon
10 Unsworth as seen in Los Angeles --

11 A. Yes.

12 Q. -- and tell me if you can identify any
13 difference between the search results and the color
14 codings between those two pages.

15 They should be different, right?

16 You told me earlier that if you went --

17 A. Can be different.

18 Q. Can be different?

19 A. Not are. Can be different.

20 Q. All right. So Page 2 of the search results
21 for Los Angeles, to me, looks identical to the
22 page -- what purports to be Page 1 results as seen
23 in London, even down to, if you look under the
24 rainbow magnifying glass and the word all, Page 1
25 results for London say Page 2.

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1 **A. Where -- that's true.**

2 Q. So this really isn't Page 1 result for
3 London, is it?

4 **A. That would be correct.**

5 Q. Okay. So as you sit here, there's nothing
6 in your report that tells us what the Page 1
7 results for Vern Unsworth are in London, England,
8 is there?

9 **A. Well, not here. And unless I have --**
10 **didn't capture it correctly. So the answer is no.**

11 Q. All right. Let's -- let's look at Page 2,
12 as seen in Los Angeles --

13 **A. Okay.**

14 Q. -- Page 12 of your report. So looking at
15 the bottom item, it's a gray, and the headline is,
16 Tesla CEO Elon Musk to face trial for calling cave
17 rescue diver pedo.

18 **A. Right.**

19 Q. Do you see that?

20 **A. Yes.**

21 Q. That's from a publication called Business
22 Insider on May 11, 2019 --

23 **A. Yes.**

24 Q. Right. Okay. Now looking at the top item
25 on this page, and the headline is, Elon Musk to go

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1 to trial over pedo tweet about British diver

2 Vernon.

3 Do you see that?

4 A. I do.

5 Q. That's from the Telegraph website on the

6 same day as the Business Insider, right?

7 A. Yes.

8 Q. Why -- the headlines are almost identical,

9 not quite, but they're very similar.

10 Do you agree?

11 A. I agree.

12 Q. Why did Five Blocks assign a last one a

13 neutral rating and the top one an unfavorable, or

14 red, rating?

15 A. I couldn't tell you. I would be

16 speculating.

17 Q. Can you tell me why, given that -- you see

18 the next one up from the bottom is from the BBC, it

19 says, Elon Musk faces trial over pedo tweet.

20 Do you see it? That's a neutral. Second

21 from the bottom.

22 A. Yes.

23 Q. All right. Can you tell me why that's a

24 neutral, and the top three ones are red?

25 A. I can't tell you, but I -- now looking at

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1 it in more detail, I would have -- I would have
2 probably marked it a red, not a neutral, but I
3 don't know how that happened.

4 Q. You're saying that you would have marked
5 the BBC, Elon Musk faces trial, a red one?

6 A. I would, but I don't know what the
7 underlying story is or why they decided that was
8 neutral.

9 Q. Got it. Do you -- and that's true for all
10 of the Google Five Blocks results. You don't know
11 the underlying story --

12 A. That's correct.

13 Q. -- for any of them, do you?

14 A. No, I do not.

15 Q. Now you discuss on Page 9 of your report
16 something called an "impact tool."

17 A. Right.

18 Q. And was that something Five Blocks used
19 or --

20 A. That's --

21 Q. -- is that separate?

22 A. That's a Five Blocks tool.

23 Q. Okay. And did you use impact, yourself, in
24 your work in this case?

25 A. No. But I -- I put a screenshot in on Page

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1 16 of what he sent me, which is their -- it's
2 really small -- I need better eyes -- of their --
3 their tool that shows the tool they used.

4 Q. All right. So Page 16 of your report, at
5 the top, it says, Five Blocks impact. Do you see
6 that at the top?

7 A. Yes.

8 Q. And there are --

9 A. What? I'm sorry. What? Page 16 we're
10 talking about?

11 Q. Page 16 of your --

12 A. Okay.

13 Q. And then it looks like there are ten pages,
14 or like, thumbnails of ten pages; is that right?

15 A. That's correct.

16 Q. And what are those thumbnails of?

17 A. They're -- they're supposed to be of the
18 screen grabs of -- from their tool, and I -- of
19 what the results are. And I can't tell if it's
20 Page 1 of the Google results, or it says, Show Page
21 2. So I would have to -- I would have to ask. I
22 don't know.

23 Q. All right. Putting aside whether it's Page
24 1 or Page 2 --

25 A. Okay. Right.

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1 Q. -- are you telling me that your
2 understanding is that there are five different
3 cities, as I am seeing it -- two pages per city,
4 right?

5 A. That's correct.

6 Q. Berlin, London, Los Angeles, Paris,
7 Toronto, and there's two pages for each. And then
8 each page has a series of about eight or nine links
9 with headlines of stories, right?

10 A. That's correct.

11 Q. And then somebody has gone in and graded
12 them red for unfavorable, green for favorable,
13 or -- or gray for neutral, right?

14 A. That's correct.

15 Q. That's not something you did, is it?

16 A. It is not.

17 Q. That is something that Five Blocks did for
18 you?

19 A. Yes.

20 Q. And did Five -- do you -- do you know
21 whether the criteria Five Blocks -- let's start
22 again.

23 Do you know whether the process Five Blocks
24 undertook to make these assignments -- red, green,
25 gray -- on Page 16 is the same that they used for

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1 the Google page results on Pages 11 through 15 of
2 your report? Do you know?

3 **A. I believe it is, but I don't know. But I**
4 **would -- I would say -- having not spoken to them**
5 **about that, I would imagine the answer is yes.**

6 Q. All right. Do you know -- so whatever you
7 know or don't know that you testified to in your
8 prior answers about how the Five Blocks process
9 works would apply to what Five Blocks did on Page
10 16?

11 **A. That would be correct.**

12 Q. Okay. And as far as you know, the process
13 is the same on Page 16 as it is on the prior pages?

14 **A. Yes.**

15 Q. Okay. Now as you sit here now, you don't
16 know the extent to which anybody -- let me start
17 again.

18 These are searches that Five Blocks
19 personnel ran, right?

20 **A. Right.**

21 Q. So you don't know the extent to which
22 anybody in these different cities actually ran
23 searches of Vern Unsworth on these days, or any
24 other days, do you?

25 **A. That would be correct.**

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1 Q. So in your report, you say that Five Blocks
2 software doesn't have the ability to go back in
3 time and -- and generate a -- a set of search
4 results --

5 A. Right.

6 Q. -- in an earlier date than the date they
7 run the reports; is that right?

8 A. That's correct.

9 Q. That's your understanding of how the
10 software works?

11 A. That's correct.

12 Q. So in your report on Page 10 -- you can
13 look at that. There's not a lot on Page 10, but if
14 you look at the very -- the second to last
15 sentence, they say the reports below were created
16 in May 2019, right?

17 A. That's correct.

18 Q. Right. So that means they couldn't have
19 been prepared June, July, August. You couldn't
20 prepare these reports today, could you?

21 A. No.

22 Q. You couldn't prepare them in June, either,
23 could you?

24 A. No. But can I also -- can I -- can I add
25 something? And clearly it's all in my mistake, not

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1 Five Blocks.

2 If you go to Page 16, I believe they have
3 the accurate -- and I'll double-check this -- I
4 they have the accurate Page 1 for London, which is
5 clearly not accurate here, because it says 2, even
6 though it says Page 1, but I -- I'll get that.

7 Q. Okay. All right. So let's go back to
8 where we were.

9 A. And just to be clear --

10 Q. Okay.

11 A. -- and I apologize. If there's a mistake
12 on the labeling here, that's not Five Blocks.

13 That's me.

14 Q. Okay.

15 A. Okay.

16 Q. Thanks for clarifying.

17 So what we were talking about is -- so if
18 you -- if you look at the Five Blocks reports --
19 what's the date on them -- I can don't think they
20 do. You don't know the actual day in May that
21 these Google searches were run to generate the
22 reports on Pages 11 through 15, do you?

23 A. I don't, as we're sitting here, but I'm
24 sure I could find out.

25 Q. So here's -- I'm having a little hard time

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1 following what we're saying, and I'm going to ask
2 you to try and help me out here. You've said that
3 these Five Blocks reports were created in May 2019,
4 right?

5 **A. That's correct.**

6 Q. You told us that -- or that they -- and
7 that they purport -- necessarily purport to show
8 Google results on the day they were run, right?

9 **A. That's correct. They -- well, I can tell**
10 **you the day that they --**

11 Q. Not Page 16. I'm talking about the ones
12 from Pages 13 to 15.

13 **A. Let's see what they -- they -- Pages 13**
14 **through --**

15 Q. 15.

16 **A. -- 15?**

17 Q. Right. So you wrote on your report, the
18 reports below were created in May 2019, right?

19 **A. That was my understanding. Yes.**

20 Q. Yes. Okay. But you testified earlier that
21 you weren't hired and didn't begin doing any work
22 in this case until sometime in June, right?

23 **A. That's correct.**

24 Q. So how would Five Blocks have known weeks
25 before were you hired to work on this case to run

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1 searches involving Vern Unsworth?

2 A. Well, that's -- they would not have known.

3 So I don't --

4 Q. So what's going on when you write on Page
5 10 of your report, these searches -- reports were
6 created in May 2019?

7 A. I don't know. I can't answer that
8 question.

9 Q. Okay. Did you personally review each of
10 the articles in the Five Blocks work product on
11 Pages 11 to 16 to determine whether you agreed or
12 disagreed with the -- their assignments?

13 A. I did not.

14 Q. Okay. Let's -- I want to move to something
15 else.

16 A. Okay.

17 Q. I need your undivided attention --

18 A. Okay.

19 Q. -- so I need you to close your report.
20 Let's have the reporter mark this --
21 (Exhibit No. 123 was marked for
22 identification.)

23 BY MR. SCHWARTZ:

24 Q. All right. I'm showing an article from The
25 Telegraph. Well, we printed it out yesterday. I

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1 don't see the date on it. I have a feeling --
2 well, in the corner it tells us the day May 11,
3 2019.

4 **A. Okay.**

5 Q. And the title of the article is, Elon Musk
6 to go to trial over pedo tweet about British diver
7 Vernon Unsworth.

8 Do you see that?

9 **A. I do.**

10 Q. Okay. If Five Blocks had been processing
11 this article or viewing this article, is it your
12 judgement they should have determined this to be
13 favorable, unfavorable, or neutral?

14 **A. Well, I -- I would have labeled it**
15 **unfavorable.**

16 Q. Okay. Thank you. Okay. Here's another
17 one, please.

18 (Exhibit No. 124 was marked for
19 identification.)

20 BY MR. SCHWARTZ:

21 Q. All right. This is an article from Forbes.
22 The headline is, A British cave rescuer is
23 officially suing Elon Musk for calling him a
24 pedophile.

25 How would you -- if you were --

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1 **A. Okay.**

2 Q. You told me what you -- that they were --
3 they like to print sensational stories. Then you
4 said that reinforces your belief that that's why
5 Mr. Musk singled them out to provide the
6 unflattering information about Mr. Unsworth,
7 because in your judgement, they would be more
8 likely to publish something like that.

9 Do you remember your telling me that?

10 MS. WADE: I'm going to object to the
11 form. That completely misstates testimony that
12 just went before.

13 BY MR. SCHWARTZ:

14 Q. You can answer the question.

15 **A. Well, I think she articulated, that's not**
16 **what I -- what I said or testified to, and I think**
17 **the record is clear about what I testified to.**

18 Q. Well, let me read -- this is on page -- the
19 rough transcript, this is your answer on Page 186
20 starting on line 17 -- actually, line 20.

21 Mr. Musk sought out the BuzzFeed reporter
22 because he knew that BuzzFeed had a reputation for
23 writing sensational stories and publishing
24 information. So it's my view that I don't think it
25 was accidental that of all the reporters in the

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1 world that -- or publications that -- he went to --
2 that he sought out BuzzFeed.

3 That was your testimony, was it not?

4 MS. WADE: All right. Hold on. I'm going
5 to object. You've read part of his answer. You
6 jumped into the middle of an answer to a question
7 that was several lines before. I mean, if we're
8 going to go back and read out loud what was said
9 before, according to this rough transcript, I
10 suppose you can waste your time doing that. But I
11 object because you have not read his entire answer;
12 you have not read your question.

13 Go ahead. If you can answer his question,
14 do it.

15 THE WITNESS: And I know I'm not allowed
16 to object, but I'll object because you didn't read
17 my correction of the -- of my own -- my correction
18 of my own statement, which said, I don't know that
19 he sought out BuzzFeed. But I did say, it was
20 clear that I thought that BuzzFeed -- that -- that
21 I could understand why he would want to give
22 information to BuzzFeed, whether he sought them out
23 or not, or was responding to a question that was
24 unflattering regarding Mr. Unsworth.

25 BY MR. SCHWARTZ:

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1 Q. Right. But you don't know whether that, in
2 fact, happened here, do you?

3 A. That's correct.

4 Q. Okay. Now you don't know what Mr. Musk's
5 prior history or practices with BuzzFeed had been
6 before the August 2018 e-mail, do you?

7 A. I do not.

8 MS. WADE: Object to the form.

9 BY MR. SCHWARTZ:

10 Q. And you don't know what people within his
11 companies' prior practices, and the history had
12 been, Tesla, for example, with BuzzFeed, and
13 whether they, for example, would or wouldn't honor
14 saying off the record before coming to an agreement
15 with the reporter. You don't know anything about
16 that, do you?

17 A. I do not.

18 Q. Now you do know, we look at --

19 A. Can I -- can I add one thing?

20 Q. Do you need to?

21 A. I do.

22 Off the record, background, deep
23 background, or on the record, in my experience, are
24 not a one-time issue, meaning that it has to be
25 done each and every time you speak to a reporter

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1 about a -- a subject. You don't get a -- it's not
2 like a contract with -- like a legal contract where
3 everything is always off the record, or always on
4 background, or always on deep background. It's, in
5 my experience, something that must occur with each
6 and every interaction with not only the
7 publication, but with the reporter, so you have an
8 understanding of the agreement you have in place.

9 Q. That -- that sounds like a best practice.
10 Is that a matter of legal principle?

11 A. It's --

12 Q. It's not a legal principle, is it?

13 A. It's clearly not a legal principle, but
14 it's a well-understood principle among people who
15 participate in -- in interaction -- in regular
16 interactions with the media.

17 Q. Other than your own exhibit with practices
18 about off the record and the like -- which I'm
19 going to ask you some questions about -- are you
20 aware of any standards, treatises, learned articles
21 by journalism professors, that tell us what you
22 just said?

23 A. I'm not aware, as we speak, but I'm
24 absolutely certain that I could find some.

25 Q. But as you sit here now, you can't give me

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1 the name of any journalism, treatise, learned
2 article, or anything, that tells you that unless
3 the reporter agrees ahead of time that something's
4 going to be off the record, it's not off the
5 record, can you?

6 A. As I made clear, I can't articulate now,
7 but I'm absolutely confident that I could find that
8 very easy. I would find it both in articles that
9 have been written by others, and I'm -- and I'm
10 fairly confident that I could find it in some sort
11 of best practices among journalists.

12 Q. Okay. Let's go back to what we're talking
13 about, though, with respect to --

14 MS. WADE: While you're shifting gears,
15 can we take a break?

16 MR. SCHWARTZ: Yeah. We'll take a break
17 now. There's no reason not to.

18 THE VIDEOGRAPHER: The time is 3:45 p.m.
19 We are now off the record.

20 (A recess was held from 3:45 p.m. to 4:01 p.m.)

21 THE VIDEOGRAPHER: This commences Media
22 No. 4. The time is 4:01 p.m. We are on the
23 record.

24 //

25 BY MR. SCHWARTZ:

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1 portion of your report at the -- why is it not --
2 it's not paginated, but it comes after Exhibit A,
3 and it's - this is what it looks like, and it's
4 called the --

5 MS. WADE: It's just before your CV if
6 that helps.

7 **THE WITNESS: Oh, okay.**

8 MR. SCHWARTZ: Can we mark this as a
9 separate exhibit so it will be easier to find?
10 It's not paginated. I'm just wondering, can we get
11 some other copies of it? Actually, you know what,
12 That's all right. That's okay.

13 BY MR. SCHWARTZ:

14 Q. So this -- this is Exhibit B. It's two
15 pages in your report, and you put it in there,
16 right?

17 **A. I did.**

18 Q. And you call it -- by the way, who is
19 Thom -- I'm not going to pronounce --

20 **A. Weidlich.**

21 Q. -- Weidlich? Who is he?

22 **A. He is a crisis communications specialist, a**
23 **former reporter, and a person who I work with on**
24 **crisis communications issues. He has, kind of, a**
25 **business background. He is a business reporter.**

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1 Q. And the Exhibit B is titled, The ABCs of
2 Source Attribution and Tips on Negotiating It,
3 right?

4 A. Yes.

5 Q. And then there's a -- a link -- a web link
6 below that, summitas.com. Do you know what that
7 is?

8 A. It's -- it's -- I don't know where that
9 came from, but I can explain why the whole article
10 is here. It was behind -- it was on a website
11 behind a pay wall.

12 Q. Okay. And whose -- whose pay wall or
13 website was it behind?

14 A. It was posted on crisis -- I believe
15 crisisresponsepro.com.

16 Q. And they gave you permission to put this
17 into your report?

18 A. Well, I wrote it -- I was the principle
19 author of it, so I didn't ask for permission.

20 Q. Okay.

21 A. Nor will I ask for forgiveness.

22 Q. Okay. So you write in the third paragraph,
23 For example, Off the record can't -- status --
24 can't be granted retroactively. Do you see that?

25 A. I do.

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1 Q. Is there some law that forbids a reporter
2 from agreeing to treat something as off the record
3 after it's been disclosed?

4 A. Of course not.

5 Q. So a reporter like Ryan Mac could have
6 treated Mr. Musk's e-mail as off the record?

7 A. Could have.

8 Q. And then you write, Will the journalist
9 sometimes allow that, and by that you mean treating
10 something off the record after the fact?

11 A. Yes.

12 Q. And you write, quote, Of course, but it all
13 depends on the relationship between the reporter
14 and source and whether that reporter wants to use
15 the source in the future.

16 Did you write that?

17 A. I did.

18 Q. Okay. Now am I correct that what you're
19 describing in this paragraph of your post on the
20 ABCs of source attribution is where the person --
21 the source -- says something to the reporter
22 without saying anything about off the record, and
23 then tries to get the reporter to treat it as off
24 the record; is that right?

25 A. That's correct.

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1 Q. Okay. That's not the situation that was
2 taking place with Ryan Mac and BuzzFeed with
3 respect to Mr. Musk's e-mail, was it?

4 A. It wasn't. But I think that -- that some
5 context is important here for that. So -- and I
6 wrote -- I wrote that line -- I happen to know I
7 wrote that line; although, Thom edited the piece.
8 When I wrote that line --

9 Q. I'm not sure what you mean by "that line."
10 I'm sorry.

11 A. I apologize. About can't -- actually,
12 let's take the paragraph, for example, off the
13 record status can't be granted retroactively. Will
14 a journalist sometimes allow that? Of course.
15 When I wrote the "of course," I was thinking --
16 because I'm the author of this -- that we're really
17 talking about people who are novices interacting
18 with the media, who don't have experience.

19 Q. Okay. Let's go back to what I was asking.

20 A. Okay.

21 Q. The situation with Mr. Musk was not a
22 situation where he wrote an e-mail to Ryan Mac that
23 said nothing one way or the other about whether it
24 was off the record --

25 A. Right.

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1 Q. -- and then said, Hey, I'd like you to
2 treat this off the record.

3 That's not the situation, is it?

4 **A. No. That is not the situation.**

5 Q. Instead, the situation is, Mr. Musk, in
6 fact, affirmatively did write off the record on the
7 e-mail, and the issue from your point of view is
8 whether that means anything because, in your view,
9 he needed to get Mr. Mac to agree to that before he
10 said whatever he was going to say, right?

11 **A. That's correct.**

12 Q. Okay. Now -- but notwithstanding that, you
13 recognize that a journalist will sometimes agree to
14 treat something off the record under those
15 circumstances, correct?

16 **A. That's correct.**

17 Q. And it depends -- or I should say, it all
18 depends in your judgement on the relationship
19 between reporter and source and whether that
20 reporter wants to use the source in the future,
21 correct?

22 **A. That is -- yes. That is correct.**

23 Q. If you --

24 **A. Not -- not -- not alone, but that --**
25 **when -- I didn't go through a laundry list of**

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1 reasons. That's a principle reason.

2 Q. So it could -- whether a reporter would
3 treat something as off the record after it's been
4 disclosed could depend on other things, as well?

5 A. That's correct.

6 Q. Okay. And what other things could that --
7 I'll retract that and start with a new question.

8 When Mr. Musk wrote to Mr. Mac his
9 August 30, 2018, e-mail and wrote, off the record,
10 before Mr. Mac had said okay or not, there's
11 nothing that would have forbidden Mr. Mac from
12 treating it as off the record, is there?

13 A. Of course not.

14 Q. And -- and do you or your clients have
15 relationships -- I'll separate it.

16 Do any of your clients have relationships
17 with reporters where, whether for the reasons
18 you've written here on Exhibit B or otherwise, it
19 isn't necessary to get the reporter to agree before
20 making the statement to the reporter that it will
21 be treated as off the record?

22 A. I don't have any clients because -- that
23 I'm aware of that have that relationship. It's
24 probably principally because I make it very clear
25 to clients who are ever going to face the media

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1 that it has to be done each and every time for each
2 and every issue you're going to discuss with them,
3 and it's not a blanket. So -- and I don't know the
4 case here. If Mr. Musk had an agreement with a
5 prior interaction with Mr. Mac for off the record,
6 then -- on a completely different issue, then
7 switched gears and then writes to him off the
8 record, that doesn't mean that they -- in my
9 understanding in working with reporters, my
10 experience -- that doesn't mean that it carries
11 over.

12 Q. But it depends on what the relationship is
13 with the given reporter and the given source,
14 doesn't it?

15 A. Absolutely.

16 Q. And do you -- and in preparing your
17 testimony on this point, do you know what
18 Mr. Musk's or Tesla's prior interactions and
19 relationships were with BuzzFeed or any of its
20 reporters --

21 MS. WADE: Objection.

22 BY MR. SCHWARTZ:

23 Q. -- on the issue of how to treat -- of
24 whether a prior agreement was necessary before
25 treating something disclosed as off the record

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1 would be honored off the record?

2 A. I do not.

3 MS. WADE: Object to form.

4 BY MR. SCHWARTZ:

5 Q. If there were a practice that BuzzFeed
6 would treat information disclosed to it labeled
7 "off the record" by the person who was sending the
8 information to BuzzFeed, they would -- they would
9 honor the designation of the information as off the
10 record, wouldn't that affect Mr. Musk's expectation
11 about whether BuzzFeed would treat his e-mail
12 labeled off the record, Exhibit 42, off the record?

13 MS. WADE: Objection to the form.

14 THE WITNESS: That -- that's speculation.
15 But as you described and we discussed previously,
16 it's not a contract. It's not a codified law.
17 It's a general understanding among people who
18 practice media relations, people who talk to
19 reporters. So it changes all the time. It changes
20 by publication. It changes by the author at the
21 publication.

22 BY MR. SCHWARTZ:

23 Q. Right. But what I want -- the import of my
24 question --

25 A. Okay.

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1 Q. -- the focus of my question was whether the
2 practices and patterns and everything we've just
3 been talking about would affect Mr. Musk's
4 expectations when he e-mailed Ryan Mac on
5 August 30, 2018, and wrote "off the record,"
6 whether that would -- this -- this prior -- the
7 prior history of dealings between Mr. Musk or other
8 people at Tesla or other people at BuzzFeed, would
9 that affect his expectation as to whether Mr. Mac
10 would treat the e-mail he wrote "off the record"
11 as, in fact, being off the record. Wouldn't it
12 have some affect on what Mr. Musk expected?

13 MS. WADE: Object to the form. Improper
14 hypotheticals.

15 Go ahead.

16 THE WITNESS: Let me answer it this way.
17 It's a speculative question. I can't say. All --
18 all I can say with certainty is that each and every
19 interaction with a reporter -- and I don't know
20 Mr. Musk's style or knowledge or training. I would
21 suspect that dealing with reporters, he'd have
22 some, but I don't know that to be true. But the
23 practice is each and every time you have to get an
24 agreement. That's the practice I live by, and
25 that's the practice that most reporters live by.

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1 MR. SCHWARTZ: Okay. Move to strike as
2 non-responsive.

3 BY MR. SCHWARTZ:

4 Q. But -- I don't want to keep asking the same
5 question over. Is that the best answer you can
6 give me?

7 A. That's the best answer I can give you.

8 Q. So the -- is it your testimony that when
9 Mr. Musk wrote off the record, he was actually
10 lying and didn't want this to be off the record?

11 MS. WADE: Object to the form of the
12 question. That is not what he testified to.

13 MR. SCHWARTZ: I know. I'm asking if he
14 is.

15 THE WITNESS: Actually, I think that
16 Mr. Musk had every expectation, clearly every
17 expectation, that it was off the record. The
18 problem with that is, expectations meet reality,
19 and the reality is he didn't have an agreement, at
20 least in the eyes of Mr. Mac, for off the record.

21 BY MR. SCHWARTZ:

22 Q. Okay. I understand what you're saying.
23 Before you prepared your report, or even before you
24 came here today, did you review BuzzFeed's
25 standards and ethics guidelines -- guides --

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1 governing source attribution?

2 A. No.

3 Q. When you prepared your report, did you know
4 that when Mr. Musk sent his August 30, 2018, e-mail
5 to BuzzFeed, BuzzFeed's policies did not state that
6 interviews are always on the record until a
7 reporter agrees to go off the record or on
8 background?

9 A. No.

10 Q. Did you know when you prepared your report,
11 or as you sit here today, that BuzzFeed added that
12 provision to its standards ethics and guidelines
13 after it published Mr. Musk's e-mail that he had
14 labeled off the record?

15 A. No.

16 Q. Do you know what the Society of
17 Professional Journalists is?

18 A. I'm aware of them. I'm not obviously a
19 member, but they -- they do put together best
20 practices. So I'm aware of their -- their
21 existence. But beyond that, I've never
22 participated or interacted with them.

23 Q. Do you know it's the oldest organization of
24 professional journalists in America?

25 MS. WADE: Object to the form.

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1 **THE WITNESS: I'll take your word for it.**

2 **I don't know it.**

3 BY MR. SCHWARTZ:

4 Q. Do you know it was founded over 100 years
5 ago?

6 MS. WADE: Object to the form.

7 **THE WITNESS: I'll take your word for it.**

8 **So was the NFL. I think about that every week.**

9 BY MR. SCHWARTZ:

10 Q. Do you know that the Society of
11 Professional Journalists has more than 300 chapters
12 around the country and 6,000 members?

13 MS. WADE: Object to the form.

14 **THE WITNESS: I'll take your word for it.**

15 MS. WADE: Do you want to just testify
16 about it.

17 **THE WITNESS: I do -- I do now.**

18 BY MR. SCHWARTZ:

19 Q. Do you know that -- do you have any reason
20 to doubt those backgrounds facts about the Society
21 of Professional Journalists?

22 **A. I have no reason to doubt that you would**
23 **provide me with anything that wasn't accurate.**

24 MS. WADE: I'll object to all of that.

25 Go ahead. Question and answer.

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1 give rise to this lawsuit, Mr. Unsworth spoke to
2 agents and publishers and movie studios about film
3 rights to his story related to the Thai cave
4 rescue?

5 **A. No.**

6 Q. Did you know, before you prepared your
7 report and before you came here to testify in this
8 deposition today, that after Mr. Musk had said
9 everything about Mr. Unsworth that gives rise to
10 this lawsuit, he was invited to speak at an event
11 by the -- I don't remember the name of the exact
12 Thai organization -- at the -- to describe his
13 efforts and involvement in the Thai cave rescue
14 held at the Hard Rock Cafe in Thailand?

15 **A. No.**

16 Q. Do you know, before you prepared your
17 report and came here to testify today in this
18 deposition, that Mr. Unsworth is not alleging any
19 harm to his business on account of anything
20 Mr. Musk said about him?

21 **A. No.**

22 Q. On Page 21 of your report, you -- let's
23 see. In the middle of the page, there's a
24 paragraph that says, Even to those that do not know
25 or have a strong opinion of Mr. Unsworth, after

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1 being exposed to the statements by a prominent
2 person like Mr. Musk, based on my experience, it is
3 my opinion people will still question
4 Mr. Unsworth's character and question his
5 reputation simply by being exposed to the Musk
6 allegations, irrespective of truth. Do you see
7 that?

8 **A. I do.**

9 Q. And that's your opinion, right?

10 **A. Strongly.**

11 Q. Okay. You don't know whether that's
12 actually happened, though, do you?

13 **A. I do not.**

14 Q. And you don't know if it will happen in the
15 future, do you?

16 **A. I do not.**

17 Q. So this is not -- well, withdraw that.
18 You didn't conduct any survey, research,
19 poll, or focus group to determine whether this is
20 true, did you?

21 **A. I did not.**

22 Q. And you didn't conduct any survey,
23 research, or focus groups or any kind of
24 information gathering like that on any issue
25 related to Mr. Unsworth and what Mr. Musk said

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1 about him and damage to his reputation before
2 preparing your report or coming here today, did
3 you?

4 A. I did not.

5 Q. Why not?

6 A. It wasn't necessary for me to prepare the
7 opinions I've laid out.

8 Q. Wouldn't you want to know, before you
9 express the opinion that Mr. Unsworth should spend
10 10 or \$11 million a year on repairing his
11 reputation, whether any meaningful number of people
12 in the world think either he has a reputation or
13 that it's been damaged by Mr. Musk?

14 MS. WADE: Object to the form of the
15 question.

16 THE WITNESS: Actually, I think it's
17 important for Mr. Unsworth to be able to wipe the
18 slate clean and have any taint or allegation about
19 pedophilia, marrying an underage person, and all
20 the other allegations or claim. His family, his
21 grandkids if he has grandkids, his friends should
22 be able to go into any search engine, any day, and
23 type in his name and not find him linked to being a
24 sexual deviant.

25 BY MR. SCHWARTZ:

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1 Q. Well, do any of the stories that -- let me
2 stop for a second.

3 So is your answer to my question no?

4 **A. You have to repeat your question. I**
5 **apologize.**

6 Q. It is important to answer them.

7 Wouldn't you want to know before you
8 expressed the opinion that Mr. Musk -- Mr. Unsworth
9 should spend \$10 or \$11 million a year on repairing
10 his reputation, whether any meaningful number of
11 people in the world think either he has a
12 reputation, or that it's been damaged by Mr. Musk?

13 MS. WADE: And I object to the form.

14 BY MR. SCHWARTZ:

15 Q. And so, my question -- I heard your
16 answer --

17 **A. The answer is no. I'll give it to you in a**
18 **word. No.**

19 Q. So your answer is no?

20 **A. Yes.**

21 Q. Correct?

22 **A. Correct.**

23 Q. Okay. The -- if something could be done to
24 cause Google search results when someone runs a
25 search Vern Unsworth to -- I don't like that

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1 question -- I don't -- we'll get there later. I'm
2 going to skip ahead. Okay.

3 How much would it have cost you to hire a
4 research firm to do an online survey of a
5 statistically significant number of online
6 participants to determine whether anyone in the
7 United States or anyone else in the world thinks
8 Mr. Unsworth's reputation has been harmed by what
9 Mr. Musk wrote?

10 **A. I don't know.**

11 Q. Do you know the cost -- what it costs to do
12 any online surveys, do you have any information you
13 can tell me you know about doing online surveys or
14 surveys with online panels?

15 **A. I don't. Because it's -- I don't -- I**
16 **don't use online surveys or tools.**

17 Q. What would it have cost you to do a
18 telephone survey across the United States to get a
19 significantly -- statistically significant number
20 of people, to find out whether -- or to find out
21 whether, and if so, what percentage of the survey
22 population think Mr. Unsworth's reputation has been
23 harmed by Mr. Musk?

24 **A. Based upon my experience, the telephonic**
25 **survey was a plus or minus 3 percent, depending on**

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1 a number of questions because it's based upon
2 length of the questions.

3 Q. One question.

4 A. But I have to -- in order for me to explain
5 the cost --

6 Q. All right. Go ahead. Sorry.

7 A. -- \$85,000.

8 Q. Okay. We should talk after the deposition.
9 I can help you out on that, and your clients.

10 So the -- all right. Looking at 20 -- Page
11 20 of your report, there's the middle of the page
12 we were looking at this before, I should have asked
13 you at the time, the third bullet point in that
14 list in the middle of the page says, quote, A
15 person presented with both sets of information
16 regarding Mr. Unsworth -- and by that, I think you
17 mean positive and negative information -- may feel
18 unsure about which is accurate. In that case, in
19 my professional experience, human nature often
20 leads people to take the conservative approach,
21 steering clear of Mr. Unsworth.

22 Do you see that?

23 A. I do.

24 Q. And that's your opinion that you're going
25 to give in this case, right?

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1 **A. Yes.**

2 Q. And then you say, For example, people who
3 come in contact with Mr. Unsworth in the future who
4 may have heard Mr. Musk's statements that
5 Mr. Unsworth is a sexual predator may choose not to
6 associate with him.

7 Do you see that?

8 **A. I do.**

9 Q. And that's your opinion, too?

10 **A. It is.**

11 Q. Okay. And this -- these opinions are not
12 based on any studies or focus groups or any other
13 research that tells you that these things have
14 occurred, correct?

15 **A. These opinions are based upon my**
16 **interactions with clients who have dealt with**
17 **accusations of sexual misconduct.**

18 Q. Well, has anybody told you that they're
19 not -- they want to steer clear of Mr. Unsworth
20 because of what Mr. Musk had to say about him, or
21 for any other reason?

22 **A. No.**

23 Q. Okay. Has anybody told you that they don't
24 want to associate with Mr. Unsworth because they've
25 heard he's a sexual predator, or because of what

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1 Mr. Musk has said, or for any other reason?

2 A. No.

3 Q. Have you read -- I guess I need to change
4 this. You've told me you did not read
5 Mr. Unsworth's deposition testimony, correct?

6 A. I have not seen it.

7 Q. Okay. But you don't have any knowledge
8 that anyone has steered clear of Mr. Unsworth, do
9 you?

10 A. I do not.

11 Q. Or that anyone has chosen not to be
12 associated with him?

13 A. I do not.

14 Q. Whether on account of Mr. Musk's comments
15 or at all?

16 A. That's correct.

17 Q. Okay. Page 23. Where was that -- oh, here
18 it is. Sorry. The middle paragraph. Let's see.
19 You wrote, quote, The attack on Mr. Unsworth was
20 centered on the allegation that he is a pedophile.

21 A. What paragraph?

22 Q. Sorry. Page 23, the one, two, three --
23 fourth paragraph on the page.

24 A. Okay.

25 Q. Let me start again. You wrote, quote, The

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1 attack on Mr. Unsworth was centered on the
2 allegation that he is a pedophile. The fallout
3 from Mr. Musk's actions, in my professional view,
4 besmirched the reputation of Mr. Unsworth, not only
5 in the United Kingdom, but throughout the United
6 States and the world. It is my opinion that
7 Mr. Unsworth will never be able to altogether
8 remove doubts about his character from those who
9 saw the post, read or saw news stories about the
10 claim, or those who were subsequently informed of
11 the tweet and stories by those who viewed and read
12 them.

13 That's your opinion, right?

14 **A. It is.**

15 Q. But you've conducted no surveys, no
16 research to know whether that's true?

17 **A. Correct.**

18 Q. Can you tell us how many people this
19 affects? In other words, how many people will be
20 unable to remove these doubts about Mr. Musk?

21 **A. I can't tell you a number.**

22 Q. Okay. What percentage of the people who
23 saw the post, to quote your testimony, read or saw
24 news stories about the claim, or were subsequently
25 informed of the tweet by those who viewed and read

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1 them, to quote your report, what percentage of
2 those people will Mr. Unsworth ever see, ever meet,
3 ever be asked to meet, or have any other form of
4 contact with?

5 **A. I couldn't tell you.**

6 Q. Why does it matter what people who will
7 never come in contact with Mr. Unsworth or think
8 about doing business with him or meeting with him
9 or having dinner with him or consider even having
10 him as a friend think about what Mr. Musk said
11 about him?

12 MS. WADE: Object to the form of the
13 question.

14 **THE WITNESS: I think every person has a**
15 **reason to believe that they will not be unfairly**
16 **smeared. There's no reason that his friends,**
17 **family, grandchildren if he has any, will -- should**
18 **be able or be required to forever associate him**
19 **with the accusation of pedophilia.**

20 BY MR. SCHWARTZ:

21 Q. Okay. So you -- you if what you wrote is
22 true here, that it will never -- Mr. Unsworth will
23 never be able to all together remove doubts --

24 **A. Fully, I believe. And I'm not even looking**
25 **at it.**

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1 Q. Well, let's see. Let's go back to Page 20
2 and make sure we get it right. Where is it?

3 A. Altogether.

4 Q. Altogether. So let me read it. Quote, It
5 is my opinion that Mr. Unsworth will never be able
6 to altogether remove doubts about his character
7 from those who saw the post, et cetera.

8 Focussing on that, the -- the portion of
9 your opinion that he will never be able to all
10 together remove -- why would you recommend that he
11 spend 10, 11, or \$35 million on a PR campaign?

12 A. Because I think it's important that
13 Mr. Musk fully, clearly tell the world that he had
14 no basis for the accusations he made; that he fully
15 apologize so that he -- when you -- when you search
16 Mr. Unsworth's name in the future, the only thing
17 that will populate highly up is a full apology,
18 retraction, unequivocal, not parsed in legal words,
19 that I made up a story about Mr. Unsworth that
20 wasn't true. I apologize. And discuss what his
21 attributes -- that he was instrumental or involved
22 in the successful rescue of kids who were trapped
23 in a cave.

24 Q. What I'm hearing a lot of your answers is
25 that the purpose of the reputation repair plan --

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1 or I shouldn't say purpose -- but a main purpose is
2 to change the results people will see when they use
3 a search engine to search for Vern Unsworth, so it
4 no longer shows stories that, in your judgment, are
5 negative or unfavorable about Mr. Unsworth?

6 **A. It's a component --**

7 MS. WADE: Object to the form.

8 Go ahead.

9 **THE WITNESS: I apologize for -- taking**
10 **your time.**

11 **It's a component of the program. It's to**
12 **fully and unequivocally clear his name across both**
13 **the digital world and the media world; that there**
14 **is no doubt that tells the world that Elon Musk,**
15 **who has a lot of credibility, who is a highly**
16 **successful and highly educated and highly talented**
17 **person, made up a story about someone and spread it**
18 **across the world to -- beginning with his 20**
19 **million followers, and it's been picked up**
20 **thereafter by radio, television, newspaper reports,**
21 **and online.**

22 **Q. So if Mr. Unsworth wins this case, do you**
23 **expect that a lot of stories would be written about**
24 **that?**

25 **A. Yes. And that would be a -- a significant**

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1 component to the beginning of the repair campaign.

2 Q. Right. So even before any -- any of the
3 steps highlighted on Page 39 of your report or
4 anywhere in your report --

5 A. Right.

6 Q. -- just the mere fact -- let's take it a
7 step at a time.

8 If Mr. Unsworth wins this case -- and by
9 wins this case, I mean a jury finds that -- in his
10 favor on his claim for defamation. Without regard
11 to the amount of damages they might choose to
12 award, just the mere fact that they find in favor
13 of Mr. Unsworth. That's all we know. Okay.
14 There -- you would expect a lot of stories to be
15 written about that, correct?

16 A. Yes.

17 Q. And a lot of those stories would show up on
18 the search results pages of Google or other search
19 engines if someone after that date searched for
20 Vernon Unsworth, right?

21 A. That's correct.

22 Q. Can you tell me -- in fact, I think that's
23 something you agree with and even write on Page 36
24 of your report. Let's check it out. But I didn't
25 highlight it, so we won't bother.

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1 I think you wrote a favorable outcome is
2 likely to yield content that will be very helpful
3 in building a positive reputation for Mr. Unsworth;
4 is that correct?

5 **A. That's correct.**

6 Q. If you did nothing else, there's jut a
7 favorable jury verdict, we don't know how much they
8 award -- maybe they award a dollar -- but it's
9 Mr. Unsworth wins this case against Mr. Musk, and
10 there are a lot of stories, would you expect that a
11 lot of stories would displace or push down lower on
12 the Google search page results the negative
13 stories?

14 **A. Well, it's a complicated answer. It will**
15 **have an impact, and it definitely is going to have**
16 **a positive impact. But in order to report the**
17 **story accurately, it's my view that reporters are**
18 **going to have to repeat the negative. It's like a**
19 **correction in the newspaper. Sometimes I argue to**
20 **my clients, you don't want a correction in the**
21 **newspaper. Because in order to correct the**
22 **mistake, they have to repeat the -- they have to**
23 **repeat the accusation. So in this case, it's going**
24 **to have some affect because it will populate high**
25 **up. But I think the key -- the kind of glue of the**

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1 program that I'm talking about is that there needs
2 to be a full apology. There needs to be a full,
3 complete, real apology, not the, quote/unquote,
4 apology that's been given; that Mr. Musk owns up to
5 the fact that he lied.

6 Q. Okay. Couple questions for you.

7 First of all, as you sit here now, you
8 can't predict what the Google search results would
9 be for Mr. Unsworth if he wins this case at trial;
10 the jury awards him a nominal amount of damages, a
11 dollar --

12 A. Right.

13 Q. -- whatever.

14 You can't tell us what those Google search
15 results will look like, can you?

16 A. I cannot.

17 Q. You can't tell us whether the stories that
18 will be written about Mr. Unsworth winning his
19 trial against Mr. Musk would displace the negative
20 stories to a place on the page of the Google search
21 results, or a page number that people are just not
22 likely to very often, if ever, get to. You just
23 don't know, do you?

24 A. I don't.

25 Q. Could happen, though. You just don't know?

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1 have full-page newspaper ads that describe, without
2 his -- without putting words in his mouth, that a
3 federal jury declared that the statements that
4 Mr. Musk made were not true about -- I'm not
5 attempting to write the ad copy now. I'm just
6 trying to tell you the big picture what you would
7 do. You would take the money and you would,
8 essentially, run the campaign without the words
9 that would be more helpful.

10 Q. So part of what you're proposing for
11 Mr. Unsworth is that he spend maybe \$3 million a
12 year on newspaper ads, and maybe millions more on
13 TV ads, that would say, Meet the man that a federal
14 jury cleared of allegations by Elon Musk, and
15 exonerated the false allegations that Mr. Musk made
16 against him?

17 MS. WADE: Object. Object to the form of
18 the question.

19 THE WITNESS: I also think it -- I that it
20 mischaracterizes what I said earlier. I think you
21 need the newspaper ads for one year, or kind of a
22 one-time, big splash that encompasses the money
23 than a year.

24 //

25 BY MR. SCHWARTZ:

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1 Q. Right. I'm focussing on the content.

2 A. You said -- you said, per year.

3 Q. Okay. Per year. So you're recommending
4 that Mr. Musk -- Mr. Unsworth spend \$3 million on
5 newspaper ads introducing himself to people as the
6 guy who a federal jury ruled in his favor in this
7 defamation case brought by Elon Musk?

8 A. Well, the research and the messaging may
9 tell us differently. The messaging and research
10 may tell you that you want to have a complete --
11 completely different messaging about the full-page
12 ads. I don't know what it -- what it might say --
13 I don't want to purport to know what it might say.
14 So the research and the focus groups will help
15 determine the more precise ad copy that would be
16 helpful to make Vernon Unsworth into a name that's
17 not immediately associated with pedophilia.

18 Q. So as you sit here today, you can't tell me
19 what the contents of any of the ads would consist
20 of, whether the TV ads, the newspaper ads, or any
21 other form of advertising?

22 A. That's correct.

23 Q. You'd wait to get the results from this
24 strategic research to guide you?

25 A. That's correct.

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1 Q. How do you know that the ads wouldn't
2 backfire, that people -- well, how do you know they
3 wouldn't backfire and make the problem worse, make
4 people suspicious of Mr. Unsworth?

5 A. I'm assuming a -- for purposes of my report
6 and the campaign -- I'm presuming that a jury would
7 find in favor of Mr. Unsworth, and I'm pretty
8 certain that if that is the case, then the ads can
9 be crafted in a way that makes it clear who
10 Mr. Unsworth is and who he is not.

11 Q. But you just told me that you don't know
12 what the content of the ads is going to be.

13 A. I don't know the precise content of the
14 ads.

15 Q. Well, can you tell me anything about the
16 content of the ads until you do the strategic
17 research? Can you tell me whose pictures are going
18 to be in the ads? What they're going to say? What
19 the subject of the ads? Can you tell me those
20 things as you sit here --

21 A. I cannot.

22 MS. WADE: Object to the form of the
23 question.

24 //

25 BY MR. SCHWARTZ:

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1 BY MR. SCHWARTZ:

2 Q. Are you aware that -- that sometimes
3 tobacco companies or vaping companies or other
4 businesses that try and create these positive ad
5 can campaigns when they're being criticized, like
6 maybe even Chipotle, which had some serious
7 problems with the bacterial contamination of their
8 food, people just don't believe it and it makes it
9 worse. That -- that -- you've seen that, right?

10 A. I have.

11 Q. That could happen here. You can't rule
12 that out, can you?

13 MS. WADE: Object to the form of the
14 question.

15 THE WITNESS: I can't rule it out, but I
16 don't -- I think the probability of comparing this
17 case to tobacco, to United Airlines, to any number
18 of the number of full-page ads we've seen out there
19 offering apologies -- to Boeing, for example,
20 offering apologies -- is so farfetched, it's not
21 even the same realm.

22 BY MR. SCHWARTZ:

23 Q. But you're assuming then, that Mr. Musk
24 would cooperate with your ad campaign and agree to
25 do an apology, aren't you?

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1 MS. WADE: Object to form.

2 THE WITNESS: I'm not assuming anything.

3 It would be -- hope that he would, but I think the
4 campaign can run with or without his cooperation,
5 assuming there was a verdict in Mr. Unsworth's
6 favor.

7 BY MR. SCHWARTZ:

8 Q. Okay. So if all we know is there is a
9 verdict in Mr. Unsworth's favor, we know nothing
10 else, we know that strategic research will be done
11 and ad campaigns will be designed and money will be
12 spent. That's all we know.

13 As you sit here today, you can't tell me --
14 on those facts, you can't -- that you can assure
15 us, Mr. Unsworth and the jury in this case, that
16 that won't backfire and actually make the situation
17 worse for Mr. Unsworth. You can't tell us that
18 right now, can you?

19 MS. WADE: Object to the form of the
20 question.

21 THE WITNESS: I can't tell you that, but
22 what I can tell you is that Mr. Unsworth has every
23 right to pursue that as a remedy and to take the
24 recommendations that I have offered in this report
25 and find a firm to implement.

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1 MR. SCHWARTZ: Move to strike that portion
2 of the answer after, You can't tell me that.

3 MS. WADE: I'm going to object to that
4 because that was clearly responsive, but --

5 BY MR. SCHWARTZ:

6 Q. All right. Let's see where we were. Oh,
7 okay. Where is this? Oh, yes. Please turn to
8 Page 23. All right. You're there?

9 A. Yes.

10 Q. And -- okay. So there's some text leading
11 into five bullet points, sort of in the middle of
12 the page. Do you see that?

13 A. I do.

14 Q. All right. So let me just read the lead-in
15 text. You wrote, quote, Based on my experience, it
16 is my view that Mr. Unsworth suffered negative
17 consequences of the post including, and then there
18 are five things.

19 Those are your opinions, right?

20 A. They are.

21 Q. Okay. The first one is damage to
22 Mr. Unsworth's name, image, and reputation, right?

23 A. Yes.

24 Q. Can you quantify that damage in any way, as
25 you sit here today?

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1 **A. I cannot.**

2 Q. Can you put a dollar amount on the damage
3 you believe he may have sustained?

4 **A. I cannot.**

5 Q. Are you planning on doing that in this
6 case?

7 **A. No.**

8 Q. Okay. The next is loss of good will.
9 How are you defining "good will" here?

10 **A. I'm defining good will by the people --**
11 **his -- his -- his ability to sell himself as a**
12 **person who is not associated with accusations of**
13 **wrongdoing.**

14 Q. Okay. And can you quantify the loss to
15 Mr. Unsworth's good will in this case?

16 **A. No.**

17 Q. Can you put a dollar amount on the loss to
18 Mr. Unsworth's good will?

19 **A. No.**

20 Q. Are you planning on attempting to do that
21 in this case?

22 **A. I'm not.**

23 Q. The next is, Reduced trust in working
24 relationships with peers and future business
25 partners.

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1 Do you see that?

2 A. I do.

3 Q. Before stating this opinion on Page 23 in
4 this case -- in this report -- and coming to this
5 deposition, did you speak with any of
6 Mr. Unsworth's peers to find out what they thought
7 about him?

8 A. I did not.

9 Q. Did you ask them whether they would place
10 any less trust in Mr. Unsworth because of what
11 Mr. Musk said about him?

12 A. As I just previously said, I didn't speak
13 to anyone. So I didn't have that ability to ask
14 them.

15 Q. Did you speak with any of Mr. Unsworth's
16 past or present business partners to ask whether
17 they would place any less trust in him because of
18 anything Mr. Musk said or did?

19 A. No.

20 Q. Are you aware of any evidence that
21 Mr. Unsworth's business has been hurt?

22 A. No.

23 Q. Okay. The next bullet point is
24 embarrassment due to false accusations. I think it
25 logically follows from the fact that you have not

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1 spoken to Mr. Unsworth, that you haven't spoken to
2 him about this embarrassment, correct?

3 **A. Correct.**

4 Q. And can you quantify or assign a value to
5 this purported embarrassment?

6 **A. I cannot.**

7 Q. Can you put a dollar amount on any
8 embarrassment that Mr. Musk -- Mr. Unsworth has
9 suffered?

10 **A. I cannot.**

11 Q. Are you planning on trying to do that in
12 this case?

13 **A. I am not.**

14 Q. The last bullet point is in necessary
15 costs; for example, need to repair his reputation,
16 legal fees, time spent refuting false information.

17 Do you see that?

18 **A. I do.**

19 Q. Okay. I think the -- your report goes into
20 detail about the cost of repairing Mr. Unsworth's
21 reputation. And so, I don't want to repeat the
22 entirety of this deposition here. I want to take
23 that out and just ask you: In terms of legal fees
24 and time spent refuting the false information, are
25 you putting a dollar amount on that in this case?

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1 **A. I am not.**

2 Q. All right. So as I understand your
3 testimony, your opinions about the damage to
4 Mr. Unsworth's reputation from what Mr. Musk said
5 about him is based on a large number of articles
6 and posts and blogs and other information that
7 you've reviewed; is that correct?

8 **A. Yes.**

9 Q. Can you tell us how much of the damage to
10 Mr. Unsworth's reputation is the result of
11 articles, blogs, tweets, and other information that
12 concern this lawsuit?

13 **A. No.**

14 Q. How many fewer -- I'm sorry?

15 **A. Can you repeat the question?**

16 Q. Yes. Can you tell us how much of the
17 damage to Mr. Unsworth's reputation is the result
18 of articles, postings, blogs, tweets, and other
19 information that concern this lawsuit?

20 **A. It would be my opinion that 100 percent of**
21 **the negative information that people have or any**
22 **negative view they have Vernon Unsworth is -- is a**
23 **result of this particular case and lawsuit.**

24 Q. Okay.

25 **A. We're talking the broad -- I'm not talking**

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1 about his immediate friends or family, or any
2 business relationships -- I'm talking about the
3 broad perception of Mr. Unsworth, in the world, is
4 as a direct result of this of -- of the statements
5 that Mr. Musk made.

6 Q. Right. Your -- your answer shifted in the
7 middle. I didn't ask you about the statements that
8 Mr. Musk made. I asked you about the lawsuit so
9 just so you have this in mind, I'll just read back
10 your answer. It would be my opinion that
11 100 percent of the negative information that people
12 have, or any negative they have of Vernon Unsworth,
13 is a result of this particular case and lawsuit.
14 We're talking about the broad -- I'm not talking
15 about his immediate friends and family or any
16 business relations. I'm talking about the broad
17 perception of Mr. Unsworth in the world is as a
18 direct result of this of -- of -- of the statements
19 that Mr. Musk made.

20 A. Right.

21 Q. So I just want you to go back and get you
22 to clarify your answer --

23 A. Okay.

24 Q. -- so let me ask you the question again.
25 Can you tell us how much of the damage

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1 Mr. Unsworth or his reputation have suffered as the
2 result of articles, postings, blogs, tweets, or
3 other information, that concern this lawsuit?

4 MS. WADE: And I'm going to object because
5 I don't think it's clear what this lawsuit means.
6 I think he's answering a different question than
7 you're asking. So I'm going to object.

8 BY MR. SCHWARTZ:

9 Q. Well, how about it this way: That concern
10 the filing -- prosecution of this lawsuit. Does
11 that help?

12 A. I can't assign a percentage.

13 Q. Well, how many fewer articles, postings,
14 blogs, tweets, and other information would there be
15 about what Mr. Musk said about Mr. Unsworth if
16 Mr. Unsworth had not filed this lawsuit?

17 A. That -- that would be speculative. I
18 couldn't quantify the number, but it also goes back
19 to the challenge that was made by Mr. Musk of
20 challenging him to sue him if it wasn't true.

21 Q. That wasn't my question.

22 A. I know it wasn't.

23 Q. So I'm going to move to strike as
24 non-responsive.

25 So can you tell me how many articles,

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1 postings, blogs, tweets, and other information
2 would be about Mr. Musk said about Mr. Unsworth if
3 Mr. Unsworth had not filed this lawsuit?

4 **A. I cannot.**

5 Q. All right. Do you agree that there would
6 have been a lot fewer articles written about blogs
7 and other information out there concerning what
8 Mr. Musk said about Mr. Unsworth if Mr. Unsworth
9 had not filed this lawsuit?

10 **A. Logically, I would agree that there would**
11 **be less articles had the lawsuit not been filed.**

12 Q. Right. And in fact, if you look at Page 11
13 of your report -- and we can do that -- we're
14 looking at the search results from Google as seen
15 in Los Angeles on Page 11 of your report. Each of
16 the negative articles about Mr. Unsworth on this
17 page is an article about this lawsuit, isn't it?

18 **A. Yes.**

19 Q. So none of those articles which are the
20 first six search results on Mr. Unsworth's search
21 page on Google, each of which Five Blocks --
22 your -- the company you worked with -- called
23 unfavorable to Mr. Unsworth, would have been
24 written if Mr. Unsworth hadn't filed this lawsuit?

25 **A. That would be correct.**

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1 Q. In reaching your opinions in this case
2 about the state of Mr. Unsworth's reputation as a
3 result of the media coverage Mr. Musk said about
4 him, to what extent did you filter out media
5 coverage of Mr. Unsworth's lawsuit?

6 A. I didn't. Because I don't think you can
7 separate the two.

8 Q. Okay. So let me pause it -- a
9 hypothetical. You're an expert, and we get to ask
10 experts hypotheticals, and they're allowed to
11 testify hypothetically.

12 Let's say that the story of what Mr. Musk
13 said about Mr. Unsworth ended before Mr. Musk wrote
14 his August 25th e-mail to BuzzFeed that BuzzFeed
15 then published. In other words, the state of play
16 is we have Mr. Musk's original August July 15th
17 tweets, we have the statement he made a few days
18 later, and we have some follow-up tweets and the
19 like, but we never get to the point where Mr. Musk
20 writes, or BuzzFeed re-publishes, his August 28th
21 e-mail.

22 With me so far?

23 A. I am.

24 Q. Okay. Would Mr. Unsworth or his reputation
25 have been damaged any less than to whatever extent

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1 Q. I don't want to interrupt --

2 A. So I -- we can go through all of them.

3 I --

4 Q. -- but is there?

5 My question was: Do you see anything in
6 there that actually is a statement in the headline
7 that says Vernon Unsworth is a pedophile?

8 A. No.

9 MS. WADE: Object to the form. You asked
10 him if the -- any of those headlines conveyed that
11 Mr. Unsworth is a pedophile --

12 MR. SCHWARTZ: All right.

13 MS. WADE: -- and he answered your
14 question --

15 MR. SCHWARTZ: Okay. Let me --

16 MS. WADE: -- and then you changed your
17 question.

18 MR. SCHWARTZ: All right. Then let me ask
19 the question a different way.

20 BY MR. SCHWARTZ:

21 Q. Do any of these headlines state, on the
22 first three pages of Mr. Unsworth's Google search
23 results from this morning, that Mr. Unsworth is a
24 pedophile?

25 A. No.

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1 Q. Do any of them state that Mr. Unsworth is a
2 child rapist?

3 A. No.

4 Q. Sitting here today, you don't know with any
5 certainty what the current state of what
6 Mr. Unsworth's reputation is, do you?

7 A. I do not.

8 Q. And you don't know what the public thinks
9 about him, do you?

10 A. I do not.

11 Q. And you don't know how much or the extent
12 to which his reputation will improve by virtue of
13 winning this lawsuit, you don't know that?

14 A. I don't know it, but based upon my
15 experience in -- in implementing a campaign to
16 improve his reputation, it would improve.

17 Q. Winning the lawsuit would improve
18 Mr. Unsworth reputation -- standing alone, just
19 that fact?

20 A. Prevailing in this case, yes.

21 Q. Even if the jury awards him only \$1?

22 A. Yes.

23 Q. How much would Mr. Unsworth's reputation
24 improve if that happens?

25 MS. WADE: Object to the form of the

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1 question.

2 THE WITNESS: I don't think that it would
3 be improved enough to eliminate all the headlines
4 that are all -- that I consider to be negative
5 about Mr. Unsworth. I think that you're -- he's
6 going to need to implement a reputation repair
7 program to truly -- to truly clean up the online
8 reputation and the perception there is about him
9 right now, based upon the statements that Mr. Musk
10 has made.

11 BY MR. SCHWARTZ:

12 Q. But as you sit here now, without knowing
13 how many stories might get written about
14 Mr. Unsworth prevailing in this case and what
15 affect they would have on the Google search engine
16 algorithm, you don't know whether they would or
17 would not -- those stories would or would not --
18 eliminate all the negative stories about
19 Mr. Unsworth, do you?

20 MS. WADE: Object to the form.

21 THE WITNESS: Using another analogy that
22 I'm sure the young people at the table will not
23 have any idea what I'm talking about, I'm not
24 Karna. I can't predict the future, so I don't
25 know.

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1 and controversy, or whatever formulations you're
2 worried about, may never encounter a story in which
3 it's reported that Elon Musk said anything harmful
4 about Vern Unsworth. You don't know?

5 MS. WADE: Object to the form.

6 **THE WITNESS: I don't know.**

7 BY MR. SCHWARTZ:

8 Q. And without knowing that, you really don't
9 know if whether Mr. Musk were to issue apology,
10 tweet it out to his 22 million followers, and news
11 stories were written about him, there would be any
12 need to do any ad campaign to repair Mr. Unsworth's
13 reputation, among the people that -- whose
14 impressions of Mr. Unsworth are based on what
15 they've read or heard about what Mr. Musk said
16 about him, right?

17 MS. WADE: Object to the form of the
18 question.

19 **THE WITNESS: That's a complex question.**

20 **I -- I don't know where you're going with it. I**
21 **think that that testimony is pretty clear that I**
22 **think that he needs a reputation repair campaign to**
23 **clean up his name and that an apology alone is not**
24 **going to suffice.**

25 BY MR. SCHWARTZ:

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1 Q. Even under the circumstances that I just
2 described to you?

3 A. Yes.

4 Q. Why?

5 A. Because I think that there will always be
6 doubt about -- about Vernon until he takes
7 completes control of his reputation digitally, and
8 also controls how people learn about the verdict in
9 this case, assuming for -- for point of reference,
10 since we're doing hypotheticals, that he -- that
11 the jury says that he was wronged and that he
12 prevails.

13 Q. But as you sit here today, you don't know
14 whether there's any doubt in anyone's mind in the
15 world, or any significant percentage of anyone's
16 mind in the world, that anybody thinks Mr. Unsworth
17 is a pedophile, a child rapist, married a child
18 bride, or did any of the things or is any of the
19 kind of person Mr. Musk said about him, do you?

20 A. I --

21 MS. WADE: Object to the form.

22 THE WITNESS: I do not.

23 BY MR. SCHWARTZ:

24 Q. Okay. So let's zero in on the ads --
25 newspaper ads in any way -- what newspaper should

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1 Mr. Unsworth run in the United States?

2 A. Well, I think that that would be something
3 that an ad buyer would want to look at and
4 determine. You would want to buy -- I would
5 think -- in publications, you want to look --
6 there's a variety of things you would do in making
7 that assessment. So I'm not coming up with a
8 specific set. So publications that carry a number
9 of stories, national publications, you would want
10 to look at state-by-state coverage and see if there
11 were newspapers in the states where there was a lot
12 of attention. The newspaper ads are a way to help
13 the rest of the campaign. They -- they lay a
14 foundation for the statements that Mr. Unsworth
15 wants made about him, that can drive traffic to the
16 a website. It may not be one ad. It may be a
17 series of ads that -- that correct and draw
18 attention to newly created websites.

19 So I -- I can't tell you a list of
20 publications, and I also think at -- frankly, as I
21 look at it today and think about what -- what the
22 cost of advertisements are, that's probably a low
23 figure, and a media buyer may say that that, in
24 fact, although looks like it's a big figure, may
25 not be sufficient to -- to do what the goal of the

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1 campaign is, which is ultimately repair his
2 reputation.

3 Q. So you're saying the \$3 million in your
4 report may turn out to be too low a number?

5 A. Yes.

6 Q. Right. But as you sit here today you can't
7 really tell me which newspapers in the United
8 States these ads should be running, can you?

9 A. I can't. I have ideas in my own mind of
10 what they might want to look at.

11 Q. That's what I'm asking you. Can you tell
12 me -- tell me the best information you can give me
13 about which newspapers --

14 A. Only --

15 MS. WADE: Let him finish.

16 THE REPORTER: Hold on.

17 BY MR. SCHWARTZ:

18 Q. -- which newspapers Mr. Unsworth should run
19 these ads?

20 A. I would want or recommend or think that an
21 ad buyer and a campaign as it's put together, may
22 want to look at purchasing newspaper ads, more than
23 one, in publications such as USA Today, which has a
24 national reach. You may want to publish it in the
25 New York Times. You may want to publish articles

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1 in the Los Angeles Times. You may want to publish
2 articles in Financial Times Places, where Mr. Musk
3 and his business are associated with. So I think
4 that there's going to have to be some thoughtful
5 planning, because you could spend an enormous
6 amount of money buying ads in major newspapers, and
7 the budget I have here wouldn't even begin to cover
8 it.

9 Q. And as you sit here today, assuming
10 Mr. Musk doesn't participate or cooperate with this
11 ad campaign, can you -- can you tell me what --
12 let's say, for example, the Los Angeles Times or
13 the USA Today ad, at some point in the year, an ad
14 gets taken out -- full-page ad -- I'm turning the
15 paper, and I get to the point I see the ad that
16 Mr. Unsworth has purchased at your recommendation.
17 What am I seeing in that ad?

18 MS. WADE: Object to the form of the
19 question.

20 THE WITNESS: Well, I've already
21 previously answered several times that I don't know
22 what the ad would precisely say, because I think it
23 would be research-based. So I'm not going to --
24 I'm not going to sit here and hazard a guess, and
25 what I would say beyond what I already testified

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1 to.

2 BY MR. SCHWARTZ:

3 Q. Even if you can't tell me what the ad
4 precisely say, can you tell me anything about what
5 the viewer of -- or the reader of -- that newspaper
6 would see when you turn to the full-page ad that
7 you recommend Mr. Unsworth take out?

8 MS. WADE: Object to the form of the
9 question. We went through this.

10 Go ahead.

11 THE WITNESS: I've answered it previously,
12 several times.

13 BY MR. SCHWARTZ:

14 Q. My -- my understanding of your answer is
15 you can't tell me what it is until you do the
16 strategic research; is that right?

17 MS. WADE: Object to the form. That was
18 not his answer.

19 MR. SCHWARTZ: Well, then, that's why you
20 can clarify if that's not your answer.

21 MS. WADE: It was clear before.

22 Go ahead.

23 THE WITNESS: I've said it so many times
24 in so many different ways, and I apologize that
25 you're not following what I think should happen.

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1 First of all, the outcome of the case and what
2 occurs will drive some of the content of the ad.
3 So that -- and the research will drive some of the
4 content of the ad. There would be also, most
5 likely, times in which an ad would draw people to
6 websites that Mr. Unsworth wants them to see, or
7 statements he wants them to see, so I can't presume
8 to know precisely what the ads might say.

9 BY MR. SCHWARTZ:

10 Q. Okay. Even if you can't tell me precisely
11 what's in these ads, seems to me, what you're
12 telling me, though, is only what -- what the
13 drivers of the content of the ads are. I hear you
14 telling me that, and you don't need to repeat that.
15 I'm staring at a blank page in the LA Times that
16 Mr. Unsworth spent a lot of money to buy. Can you
17 tell me anything, right now, about what's going to
18 be -- or what the reader's going to see in that ad?

19 MS. WADE: Object to the form of the
20 question.

21 THE WITNESS: Beyond what I've already
22 answered numerous times, no.

23 BY MR. SCHWARTZ:

24 Q. You haven't told me anything yet. You just
25 told me what the drivers are.

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1 MS. WADE: Hold on.

2 BY MR. SCHWARTZ:

3 Q. What have you told me that a reader is
4 going to see? Is he going to see a picture of
5 Mr. Unsworth? Is he going to -- actually, I take
6 that back.

7 You told me there could be links to
8 websites that Vern Unsworth wants to drive traffic
9 to. Is there anything else you can tell me about
10 these ads and what I'm going to see?

11 MS. WADE: Other than what he's already
12 told you?

13 MR. SCHWARTZ: Yes.

14 THE WITNESS: Beyond what I've already
15 told you? And I think I already told you earlier,
16 there might be graphics. I don't know the layout
17 of the ad. I don't know the content of the ad.
18 And it would be irresponsible to -- to kind of lay
19 out the -- the details of what the ad might say
20 beyond this is a critical component of the repair
21 campaign.

22 BY MR. SCHWARTZ:

23 Q. Okay. And the websites that you described
24 that Mr. Unsworth might want to drive traffic to,
25 do you know whether Mr. Unsworth has any interest?

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1 Has anybody told you whether Mr. Unsworth has any
2 interest in operating or paying anybody else to
3 operate websites that he would own that traffic
4 would be driven -- or driven to?

5 A. And I think I previously told you that I
6 haven't spoken to Mr. Unsworth. I don't know
7 whether he would move forward with a campaign. I
8 can't presume to speak to Mr. Unsworth. I haven't
9 spoken to him.

10 Q. Okay. The TV ads, can you tell us what
11 people would be seeing in these television ads that
12 you suggest Mr. Unsworth pay for to produce and air
13 in the United States in the first year of his
14 campaign?

15 A. No.

16 Q. Can you tell us what television stations or
17 networks Mr. Unsworth should run these ads on, as
18 you sit here today?

19 A. I cannot. And that would be part of a
20 media planner and media plan, in conjunction with a
21 public relations firm, laying out a complete
22 strategy for the reputation repair.

23 Q. All right. Let's talk about Google ads. I
24 believe in your report, on Page 35, you talk about
25 how much web --

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1 **A. I'm sorry. What page?**

2 Q. Page 35. I'm sorry.

3 Are you generally familiar with the
4 operation of Google ads or Google AdSense?

5 **A. In the most basic way, I hired people to**
6 **buy ads and -- for Google with previous clients.**

7 Q. Okay. So it looks like on Page 35, the
8 second full paragraph up from the bottom, I just
9 want to understand the -- the activity you're --
10 you're suggesting Mr. Unsworth engage in.

11 The -- the budget for the first -- at least
12 the first year is \$2 million, right?

13 **A. Correct.**

14 Q. Okay. And you're assuming that that budget
15 will be spent on clicks that Mr. Unsworth will have
16 to pay 1 to \$2 per click for?

17 **A. That's correct.**

18 Q. So I think that means you're expecting, in
19 order for Mr. Unsworth to spend \$2 million on for
20 clicks on Google ads, that somewhere between one to
21 two million people per year would run a Google
22 search for Mr. Unsworth, see an ad for a Vernon
23 Unsworth website, and then click through to that
24 website?

25 **A. I -- if that's what you're getting from it,**

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1 then that's not correct. Because you can buy
2 Google ads that that have to deal with Elon Musk or
3 adjacent to Elon Musk name and get people to be
4 interested in Elon Musk and then drive traffic
5 to -- you can buy ads on any website adjacent to
6 any news story so you wouldn't have to put a search
7 term for Vernon Unsworth. You could put a search
8 term for "Tesla." You could put in a search term
9 for "Elon Musk." It would be up to the ad buyer
10 and some research to figure out the best way to
11 spend a very limited amount of money that -- and by
12 the way, even by your numbers, that let's say it's
13 two million people who would click through -- that
14 dwarfs the over 20 million, 22 million people who
15 might view or see his Twitter, or who read his
16 stories.

17 Q. All right. Just -- but -- all right.
18 So -- but in order for Mr. Unsworth to spend
19 \$2 million a year on Google ads, somewhere between
20 one to two million people would need to click on
21 those ads, however they came to see them. Whether
22 it was on a Google search result or a website for
23 Thai -- Air Thailand or whatever, right?

24 A. That's true.

25 Q. Okay. What's the basis on which you

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1 believe one to two million people would be
2 sufficiently interested in a Vernon Unsworth
3 advertisement to click on it to go to wherever that
4 ad is going to take them?

5 A. Again, I'm not a -- the creative person,
6 but I could just think of the top of my head -- you
7 wouldn't need, in your ad, to necessarily use
8 Vernon's name as the lead. You might want to have
9 something creative. Find out the truth about what
10 Elon Musk -- find out the truth about Elon Musk, or
11 Elon Musk statements.

12 Q. I see.

13 A. Free thinking. It doesn't have to say, if
14 you think that I wrote this, and if I wrote it
15 incorrectly that implying that it has to say Vernon
16 Unsworth in the underlying creative copy to get
17 people to click to find something that you want
18 them to find about Vernon Unsworth then I -- I
19 didn't do my job.

20 Q. Okay. So you're assuming that the creative
21 people associated or that would be hired by
22 whoever's running this campaign would come up with
23 ads that would be sufficiently interesting to one
24 to two million people in the first year to click
25 through?

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1 A. Right. And in -- in the vernacular -- I
2 don't like the vernacular, but it is what it is.
3 It's called clickbait.

4 Q. Right. And -- but as you sit here now, you
5 don't know that one to two million people would
6 take the bait and click on an ad that Mr. Unsworth
7 paid Google to create or to -- would post on a
8 website, do you?

9 A. I don't know that.

10 Q. And if it turns out that far fewer than one
11 to two million people clicked on those ads, then
12 Google wouldn't be Mr. Unsworth \$2 million for
13 them, would it?

14 A. That's correct.

15 Q. And so, he wouldn't need that money unless
16 that volume of people clicked on those ads, right?

17 A. That would be correct.

18 Q. Okay. You also recommend that Mr. Unsworth
19 spend a million dollars a year on news-based
20 websites ads, right?

21 A. Yes.

22 Q. Okay. And again, you can't tell us now --
23 is the idea that these would be ads similar to the
24 Google ads, but they would just be elsewhere on
25 news sites that people would see something of

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1 interest to them, they click on it, and it would
2 take them to some content that Mr. Unsworth
3 created, or someone created on his behalf, that
4 would improve his reputation?

5 **A. You've accurately described it.**

6 Q. All right. And -- but as you sit here now,
7 you can't tell us what, from a "creative
8 standpoint" I think is the term ad agencies use,
9 but since this is being heard by a jury of
10 non-advertising agency people -- you can't tell us
11 what the content of those ads would look like, can
12 you?

13 **A. I cannot.**

14 Q. And you can't tell us what news sites those
15 ads should be put on, can you?

16 **A. No.**

17 Q. All right. So you also recommend that
18 Mr. Unsworth spend 1.5 million per year on online
19 Twitter ads, right?

20 **A. That's correct.**

21 Q. How did you arrive at 1.5 million?

22 **A. You have to go to the portion of my report**
23 **that talks about Twitter, and you go to Page 34,**
24 **and then you go to the fourth paragraph. It talks**
25 **about Twitter offering several different types of**

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1 advertising options, including promoted tweets as
2 one. And depending on the type of Twitter ads you
3 purchase, you can spend between \$0.50 and \$4 per
4 engagement, or you can do a promoted Twitter buy,
5 and there is ample evidence that promoted Twitter
6 buys, where it's pushing content onto different
7 sites, could cost up to \$200,000 per day.

8 Q. Okay.

9 A. So I think that this -- this and Mr. Musk
10 is wildly popular on Twitter. So I think that
11 Twitter was a natural place to purchase ads to run
12 the campaign, again, not knowing what the creative
13 might be that causes people to see the ads.

14 Q. So -- but just so I understand, in general,
15 what you're saying is that, as with other forms of
16 online advertising, this would be within the
17 Twitter sphere or the Twitter app, or if people use
18 Twitter on a web browser, within Twitter you're
19 recommending that Mr. Unsworth spend a million five
20 on ads to Twitter users to -- to try and attract
21 Twitter users to content that would help rebuild
22 Mr. Unsworth's reputation?

23 A. That's correct.

24 Q. Okay. But as you sit here now, you don't
25 know what the -- the Twitter ads would look like or

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1 what the content that they would be supposedly
2 clicking through to view would be, do you?

3 **A. I do not.**

4 Q. And how do you know, then, that any of that
5 aspect of the work -- that content, the ad campaign
6 on Twitter -- would have any positive effect on
7 Mr. Unsworth's reputation among Twitter people --
8 Twitter users?

9 **A. You can never be certain that an ad**
10 **campaign will be successful, period.**

11 Q. Okay. But how do you know if -- I mean, it
12 could be with respect to any of these forms of
13 advertising, the Google ads, the news-based
14 websites ads, Twitter ads, any of these -- it could
15 end up being just a waste of money because it has
16 no effect on Mr. Unsworth's reputation, right?

17 **A. That's always possible, but I have**
18 **confidence that he would select a person who has**
19 **experience in handling reputation repair who could**
20 **put together a proper team including creative**
21 **people that would implement a program similar to**
22 **this that would -- would improve his -- his image,**
23 **but there is no guarantees --**

24 Q. Okay.

25 **A. -- and that's in this -- in this business,**

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1 and that's one of the -- one of the kind of
2 unknowns. There are no guarantees. You don't get
3 a guarantee that if you pay this money, you will
4 get this result. I think that there's sufficient
5 evidence among different campaigns and different
6 agencies that are out there that their -- their
7 campaigns are successful.

8 Q. All right. Let's stick with Twitter --

9 A. Okay.

10 Q. -- for a moment.

11 We don't know -- you don't know -- I should
12 say, as we sit here today, whether and how many of
13 Mr. Musk's followers believed any of his statements
14 about Mr. Unsworth?

15 A. That's correct.

16 Q. Would you want your initial strategic
17 research to find that out before you recommended to
18 Mr. Unsworth that he spent money within the Twitter
19 environment?

20 MS. WADE: Object to the form of the
21 question.

22 THE WITNESS: It might be -- it might be a
23 subset of the research, but it might be a push
24 question. But -- so the answer is, it's not
25 critical. It would be important to know so you

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1 plan to defend the client against personal attacks,
2 customer complaints, and blatant falsehoods.

3 **A. That's correct.**

4 Q. So the falsehoods weren't about whether
5 your client had engaged in sexual harassment and
6 other groping and other things? There were other
7 falsehoods?

8 **A. Falsehoods related to that -- and I've got**
9 **to be careful not to reveal the client. There were**
10 **claims of things that he did that he admitted to,**
11 **and there were claims of things that he did that**
12 **were complete fabrications.**

13 Q. And did -- he came to you and said,
14 Mr. Rose, Eric -- I assume maybe he called you by
15 your first name -- I need your help repairing my
16 reputation.

17 **A. That's correct.**

18 Q. Did you design a repair reputation program
19 for this New York restaurateur who was accused of
20 sexual harassment, including public groping and
21 lewd text messages?

22 **A. That wasn't the scope of my assignment.**

23 Q. Repair -- restoring or repairing his
24 reputation wasn't part of your assignment?

25 **A. Well, the engagement was limited to making**

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1 it clear about what he had done and what he had not
2 done. So I think in a broad sense, repairing his
3 reputation was part of it. But there wasn't a
4 reputation management plan put in place for him
5 that I've described here, because that wasn't his
6 goal. His goal was to have stories written that
7 more accurately reflected what he was doing, what
8 he admitted to, and how he was moving on.

9 Q. I see. Okay. But you recognize your words
10 that you were retained to protect the brand and
11 assist the client in restoring the restaurateur's
12 reputation. That's how you described it.

13 A. That's correct.

14 Q. Okay. Approximately -- did -- did the --
15 approximately, how long ago did this happen? Was
16 this, like, in the last few years?

17 A. Yes.

18 Q. Okay. And did -- as part of your -- your
19 plan for this client -- did it involve spending
20 money on any ads or any media activity?

21 A. It did.

22 Q. How much total spend and money did your
23 client spend, pursuant to your recommendations?

24 A. Well, none.

25 Q. Okay. So let's look at the legendary --

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1 A. But there has to be -- I can't just leave
2 it at none. I gave him a plan; he chose not to
3 follow the plan. And as a result of not following
4 the plan, his reputation is actually not improved
5 as significantly as it could --

6 Q. I'm sorry.

7 A. -- has not improved as significantly as it
8 could have had he, in my view, implemented the
9 plan.

10 Q. Okay. Had he implemented the plan, how
11 much money would he have spent?

12 A. I don't know. Because we never -- he
13 didn't want me to lay out a plan and come up with
14 estimates for -- he wasn't interested in spending
15 any money beyond putting out statements and
16 retaining me to help him.

17 Q. Okay. All right.

18 A. And he made it very clear that when --
19 careful here -- he didn't have the financial
20 resources to implement what was necessary.

21 Q. Had Mr. Whatever or Ms. Restaurateur --

22 A. Yeah.

23 Q. -- had the financial resources -- had --
24 had this person, this restaurateur, come to you
25 and said, Eric, I'm in your hands. I -- I want you

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1 to give me a reasonable plan to restore my
2 reputation, how much would you have told him he
3 would have needed to spend?

4 A. Everything case-specific. I would have to
5 do the sort of research that I've done here to help
6 figure out what the best mix is --

7 Q. Okay.

8 A. -- so I can't give you the dollar figure.

9 Q. All right. So let's go back to the other
10 two. You've got -- the first one was the
11 television producer engagement --

12 A. Yes.

13 Q. -- who was about to be accused of sexual
14 harassment.

15 Did you -- did this person engage in any
16 form of media campaign or reputation-related
17 campaign?

18 A. Well, I think -- I think the statement of
19 what I did for him speaks for itself.

20 Q. Can you just tell -- help me out here. Did
21 they or not?

22 A. Did they have a paid campaign?

23 Q. Did they, yes or no.

24 A. No.

25 Q. Okay. Then the legendary entertainment

November 01, 2019

1 engagement -- did this person engage in any form of
2 media campaign related to their reputation?

3 A. A paid campaign?

4 Q. Paid or unpaid. Did they?

5 A. You'll --

6 Q. All right. Fine. Paid. Let me ask it a
7 full question.

8 A. "Paid" meaning in the -- because I want to
9 be clear. Paid in the terms of similar campaigns
10 that I've recommended that Mr. Unsworth --

11 Q. Well, I don't mean similar in scope,
12 necessarily, but any form of paid. Let me ask it
13 as a complete question.

14 A. Yeah.

15 Q. In connection with your work for the
16 legendary entertainment executive who was faced
17 with assault charges, did that person engage in any
18 form of paid media campaign related to their
19 reputation?

20 A. No.

21 Q. Okay. Did any of the people in the sexual
22 harassment employment -- I guess there was three
23 more cases here.

24 Did any of your clients here engage in any
25 paid media campaigns related to their reputations?

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1 A. No.

2 Q. All right. So I want you to go back and
3 look at Exhibits 124 and 125. Do you have those
4 out?

5 A. I have 124.

6 Q. 124 is a BuzzFeed article --

7 A. Yep.

8 Q. -- and 125 is CNN article. Do you have
9 those?

10 A. Yep.

11 Q. Do you remember earlier in your deposition
12 you reviewed them?

13 A. Yes.

14 Q. And your testimony was these were
15 unfavorable towards Mr. Unsworth. Do you remember
16 telling me that?

17 A. Yes.

18 Q. Okay. I'll do them separately. What's our
19 next exhibit?

20 (Exhibits 128, 129, 130 were marked for
21 identification.)

22 BY MR. SCHWARTZ:

23 Q. Okay. Do you now have Exhibits 128, 129,
24 and 130 in front of you?

25 A. I do.

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1 Q. Okay. So let's first look at Exhibit 130.
2 This is a printout from the Twitter page of Lynn
3 Wood.

4 Do you recognize that?

5 **A. I do.**

6 Q. And you see that Mr. Wood has over 30,000
7 followers?

8 **A. I do.**

9 Q. Okay. And do you recognize where it says
10 some of the followers are listed there including
11 Mr. Mac? Do you see that, under the 30,000.5
12 followers?

13 **A. Yes, I do.**

14 Q. And that -- do you have any reason to doubt
15 that's Ryan Mac from BuzzFeed?

16 **A. I believe it would be.**

17 Q. And Jonathan Martin, he's a reporter from
18 the New York Times?

19 **A. That's correct.**

20 Q. And Asawin Suebsaeng, do you know what
21 paper that person writes for?

22 **A. Not familiar.**

23 Q. The Daily Beast. Do you recognize that
24 person from the Daily Beast?

25 **A. I don't -- I don't recognize the name from**

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1 a group in Thailand about the cave rescue. Do you
2 recall those questions?

3 **A. I do.**

4 Q. Has -- has any -- do any of those things
5 that were listed, or frankly, anything else
6 Mr. Schwartz has asked you today, change your
7 opinion at all as set forth in your report?

8 **A. No.**

9 Q. Do any of those things -- any of those
10 items or anything else that Mr. Schwartz has
11 mentioned or represented to you today make you
12 think that you need additional information to
13 support your opinions?

14 **A. No.**

15 Q. Okay. That's all I have.

16 MR. SCHWARTZ: All right. Briefly, I'm
17 allowed a little redirect.

18 EXAMINATION BY MR. SCHWARTZ:

19 Q. Counsel for Mr. Unsworth asked you whether
20 it was your opinion that by filing the lawsuit, and
21 therefore generating more articles about the whole
22 incident, that Mr. Unsworth has further damaged his
23 reputation. You said no. The first -- just so I
24 understand, did you understand that when
25 Mr. Unsworth's counsel used the word "incident,"

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1 she was referring to the various statements that
2 Mr. Musk either tweeted or e-mailed or otherwise
3 said about Mr. Unsworth?

4 **A. Yes.**

5 Q. All right. And your previous testimony was
6 that numerous articles written about this lawsuit
7 were unfavorable to Mr. Unsworth's reputation,
8 right?

9 **A. That's correct.**

10 Q. Including all of the articles that showed
11 up on Pages 11 through, I think it is 15, of your
12 report, all of the Five Blocks assessments of the
13 articles that were negative about Mr. Musk that you
14 put into your report -- all of those articles --
15 each of those articles is about this lawsuit, isn't
16 it?

17 **A. Of the ones we reviewed, yes.**

18 Q. And each of those is negative, yes?

19 **A. They are negative.**

20 Q. And if the lawsuit didn't exist, those
21 articles wouldn't have been written. They're about
22 the lawsuit, right?

23 **A. I think that you are confusing the -- the**
24 **attempt for Mr. Unsworth to repair his name and**
25 **reputation by taking legal action that he was**

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1 challenged to do by Mr. Musk somehow was -- was his
2 fault and that the reputation is -- is -- that he
3 is responsible for the damage to his reputation.

4 No. The damage to his reputation solely lies with
5 Mr. Musk for the statements that he made, the
6 underlying statements we've gone through today, and
7 then the challenging of him to file a lawsuit if he
8 thought that -- that they were not true. So the
9 damage to Mr. Unsworth's reputation rests with
10 Mr. Musk.

11 Q. That's -- that's your opinion, right?

12 A. That's my opinion.

13 Q. That -- that's -- sounds like a legal
14 conclusion that a lawyer would make, as opposed to
15 something that's based on fact. Do you have any
16 research to back you up, that says, for example,
17 that people who think ill of Mr. Unsworth or think
18 he has a bad reputation think so not on account of
19 anything that he heard about or read about this
20 lawsuit or the stories about the lawsuit that
21 repeated what Mr. Musk had said about Mr. Unsworth,
22 but only based on what stories were written or what
23 they heard before the lawsuit was filed?

24 A. I --

25 MS. WADE: Object to the form.

November 01, 2019

1 **THE WITNESS: I have no evidence.**

2 BY MR. SCHWARTZ:

3 Q. I have nothing further. Thank you very
4 much.

5 **A. Thank you very much.**

6 THE VIDEOGRAPHER: This concludes today's
7 testimony. The time is 7:00 p.m. We are off the
8 record.

9 THE REPORTER: And did you both want rough
10 drafts, as well?

11 MR. BERGJONS: Yes, please.

12 MS. WADE: Yes, please.

13 (Whereupon proceedings concluded at 7:00 p.m.)

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November 01, 2019

1 REPORTER'S CERTIFICATE

2

3

4 I, NICOLE HATLER, a Shorthand Reporter,
5 State of California, do hereby certify:

6 That ERIC ROSE, in the foregoing deposition
7 named, was present and by me sworn as a witness in
8 the above-entitled action at the time and place
9 therein specified;

10 That said deposition was taken before me at
11 said time and place, and was taken down in
12 shorthand by me, a Certified Shorthand Reporter of
13 the State of California, and was thereafter
14 transcribed into typewriting, and that the
15 foregoing transcript constitutes a full, true and
16 correct report of said deposition and of the
17 proceedings that took place;

18 That before completion of the proceedings,
19 review of the transcript [X] was [] was not
20 requested.

21 IN WITNESS WHEREOF, I have hereunder
22 subscribed my hand this 5th day of November 2019.

23

24

25

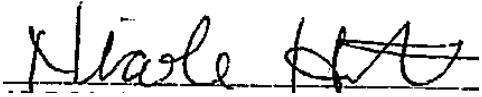

NICOLE HATLER, CSR NO. 13730
State of California

EXHIBIT 3

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VERNON UNSWORTH,

Plaintiff,

vs.

Case No. 2:18-cv-8048

ELON MUSK,

Defendant.

_____/

VIDEOTAPED DEPOSITION OF
VERNON UNSWORTH
BEVERLY HILLS, CALIFORNIA
AUGUST 14, 2019

Reported By:
PATRICIA Y. SCHULER, CSR No. 11949

Job No.: 41370

1 Do you see that?

2 **A. Yes.**

3 Q. You wrote: "For your eyes only and not to
4 be reported on."

5 Did you discuss that with Mr. Head before
6 you sent this to him?

7 **A. Not that I recall.**

8 Q. And was it your expectation that, by
9 writing "For your eyes only and not to be reported
10 on," that he wouldn't put this into a story?

11 **A. As I say in the email, it's just for his
12 eyes only.**

13 Q. Meaning?

14 **A. For his eyes only.**

15 Q. Is the implication of that that you were
16 telling him that he was not to include this
17 information in a story? When you say "and not to
18 be reported on," is that what you meant?

19 **A. Yes.**

20 MR. WOOD: Are you done with 8?

21 MR. SCHWARTZ: Yes, we are done with 8.

22 BY MR. SCHWARTZ:

23 Q. So if you look in the interrogatories,
24 that's Exhibit 2 -- your answers to the
25 interrogatories. I want to ask you a question

1 about that. So let me know if you see that in the
2 pile.

3 Do you have now Exhibit 2?

4 MR. WOOD: Is there a specific
5 interrogatory you want him to go to?

6 MR. SCHWARTZ: I'll direct him to it. I
7 just wanted to make sure. You do have Exhibit 2?

8 **THE WITNESS: Yes.**

9 BY MR. SCHWARTZ:

10 Q. Let's see. Where is this?

11 So if you look at page 3 of Exhibit 2,
12 there is a response to Interrogatory No. 1.

13 You let me know when you are on page 3.

14 **A. I am on page 3.**

15 Q. Okay. And at lines 15 and 16, I'll read
16 it, and you can read along as I read it aloud.
17 Your answer to Interrogatory 1 -- by the way, just
18 for context asks for you to describe all harm you
19 have suffered, if any, as a result of the false and
20 defamatory accusations you identify in your
21 complaint, et cetera. And the part of the answer I
22 want to focus you on is on lines 15 through 16, and
23 I will read it as follows:

24 "Plaintiff is not seeking damages for
25 lost wages or earning opportunities, or any other

1 special financial damages."

2 Do you see that?

3 **A. Yes.**

4 Q. And is that correct?

5 **A. Yes.**

6 Q. Why aren't you seeking any damages for
7 any lost wages or earning opportunities or any
8 other special financial damages?

9 **A. Because I've not really lost any monies
10 in respect of wages or earning opportunities.**

11 Q. You have more income-earning
12 opportunities now than you did before the cave
13 rescue; is that right?

14 **A. Yes.**

15 Q. And in that sense, the cave rescue has
16 been good for you financially?

17 **A. So far not to the extent where it has
18 changed anything that I do.**

19 Q. Well, even if it may not have changed
20 anything you do, do you agree with me that the cave
21 rescue has been good for you financially?

22 **A. I would not say that, no.**

23 Q. You haven't received any money from any
24 source in connection with any aspect of your
25 involvement in the cave rescue?

1 **A. I have.**

2 Q. Approximately total how much?

3 **A. Approximately 2,400 pounds.**

4 Q. What do you currently do for a living?

5 **A. I am an insurance and finance consultant.**

6 Q. Do you do any insurance and financial
7 consulting in Thailand?

8 **A. No.**

9 Q. How many hours a week do you spend
10 working as an insurance and financial consultant?

11 **A. Probably certainly Monday to Friday**
12 **8 hours a day, and then weekends as and when is**
13 **needed.**

14 Q. How is it you are able to -- well, strike
15 that.

16 Do you currently do anything else for a
17 living?

18 **A. No.**

19 Q. Do you have a job in Thailand?

20 **A. No.**

21 Q. Have you ever worked for Tik's parents?

22 **A. No.**

23 Q. Other than working as a self-employed
24 insurance and financial consultant, do you have any
25 other current sources of income?

EXHIBIT 4

UNITED STATES DISTRICT COURT

for the

Central District of California

Vernon Unsworth

Plaintiff

v.

Elon Musk

Defendant

Civil Action No. 2:18-cv-08048

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Eric Rose

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A attached hereto

Place: Quinn Emanuel Urquhart & Sullivan LLP
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017

Date and Time:
10/10/2019 at 10:00 a.m.

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 9/26/2019

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Elon Musk

See Schedule B attached hereto, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. **2:18-cv-08048**

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

SCHEDULE A

Notwithstanding any definition below, each word, term, or phrase used in these Requests for Production are intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure.

1. The term “communication” means any record, report, conversation, discussion, letter, memorandum, note, e-mail, voice mail, or other transfer of information, whether written, oral, electronic, or by any other means, and includes any document or other medium which abstracts, digests, records, or transcribes any such communication, or any subsequent review or discussion of such communication, whether occurring at meetings or otherwise.

2. The term “document(s)” is used in the broadest sense to include everything contemplated by Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure and by Rule 1001 of the Federal Rules of Evidence, and include, without limitation, any written material (including communications), whether typed, handwritten, printed or otherwise, and whether in draft or final form, of any kind or nature, or any photograph, photostat, microfilm or other reproduction thereof, including, without limitation, each note, memorandum, letter, telegram, telex, circular, release, article, report, prospectus, memorandum of any telephone or in-person conversation, any financial statement, analysis, drawing, graph, chart, account, book, notebook, draft, summary, diary, transcript, computer database, computer printout or other computer generated matter, and other data compilations, and any other documents or electronically stored information in any medium from which information can be obtained, whether directly or, if necessary, after translation to English. Electronic mail, voice mail and any pictures, video, or sound recorded by any means are included within the definition of the terms “document” or “documents.” A draft or non-identical copy, including a copy with handwritten notes, is a separate Document within the meaning of the term.

3. The term “electronically stored information,” abbreviated herein as “ESI,” has the meaning given it in Fed. R. Civ. Pro. 26(b) and 34.

4. “Refer or Relate to” means any and all of the following terms and their synonyms: refer to, relate to, discuss, constitute, evidence, pertain to, mention, support, contradict, negate, bear on, touch on, contain, embody, reflect, identify, state, deal with, concern, comment on, respond to, relevant to, or describe.

5. “Report” means the Expert Report prepared by Mr. Rose in the above captioned action, signed by Mr. Rose on September 10, 2019 and served on September 13, 2019.

6. “Unsworth” means Plaintiff Vernon Unsworth as well as all of Mr. Unsworth’s agents, representatives, attorneys, and other persons acting on his behalf. This definition specifically includes L. Lin Wood, Howard Kennedy LLP, and any of the attorneys currently representing Mr. Unsworth acting in any capacity.

7. “You,” “Your,” and “Mr. Rose” means Eric Rose.

INSTRUCTIONS

1. In complying with the Subpoena, You are required to produce all Documents described below that are in Your possession, custody, or control.

2. For the purpose of reading, interpreting, or construing the scope of the Requests in this Subpoena, the terms used should be given their most expansive and inclusive interpretation.

3. Unless instructed otherwise, each Request should be construed independently and not by reference to any other Request for the purpose of limitation.

4. If any portion of a document or communication is responsive to any Request, the entire document or communication should be produced.

1 5. If You object to any Request, in whole or in part, state the grounds of
2 Your objection with specificity and produce documents responsive to the remainder
3 of the Request.

4 6. If, in answering this Subpoena, You encounter any ambiguities when
5 construing a Request, Instruction, or Definition, Your response shall set forth the
6 matter deemed ambiguous and the construction used in responding. For the
7 avoidance of doubt, this instruction does not in any way limit Your obligation to
8 give terms their most expansive and inclusive interpretation when reading,
9 interpreting or construing the scope of the Requests in this Subpoena.

10 7. Where a claim of privilege or other protection from discovery is
11 asserted in objecting to any Request, You should identify the nature of the privilege
12 or protection (including work product protection) that is being claimed. In such case,
13 You should also indicate, as to the information requested, whether (a) any
14 documents exist, and (b) also provide the following information for each such
15 document in a “privileged documents log” or similar format:

- 16 a. the type of document;
17 b. the general subject matter of the document;
18 c. the date of the document;
19 d. the author(s) of the document;
20 e. any recipient(s), copyee(s) or blind copyee(s) of the Document; and
21 f. the custodian of the document, where applicable.

22 8. Unless otherwise noted, the Subpoena and the Requests contained
23 herein call for the search for, collection and production of all responsive documents
24 created or obtained by You since June 1, 2018 through the present. If, after an initial
25 production, You obtain or become aware of additional documents existing as of the
26 date for compliance with this Subpoena that are responsive to this Subpoena, You
27 are required to promptly produce such additional documents.

28

1 9. The search will include both hard copies and electronically stored
2 information. Compliance with this Subpoena requires a search of all documents in
3 Your possession, custody, or control, whether or not such documents are on Your
4 premises.

5 10. Documents produced pursuant to this Subpoena should be produced as
6 they are kept in the ordinary course of business, including electronically stored
7 information. Electronic materials, information, and data that are electronically
8 searchable should be produced in a form that does not remove or degrade this
9 feature.

10 11. Documents in electronic form, including, but not limited to, e-mail,
11 should be produced in color in single page tagged image file format (“TIFF”). TIFFs
12 shall show all text and images that would be visible in the original electronic format
13 (native format), including redlines and speaker notes, and Defendant reserves the
14 right to make a reasonable request for the production of any documents in native
15 format. An associated load file linking the images to the corresponding document
16 should be provided. All metadata associated with any electronically stored
17 information shall be produced in text format linked to the associated document.
18 Extracted text or, if extracted text is not available, optical character recognition
19 (OCR) text should be provided in document-level text files.

20 12. In order to bring within the scope of this Subpoena all information that
21 might otherwise be construed to be outside of its scope, the following rules of
22 construction apply: (i) the singular includes the plural and vice versa; (ii) the
23 masculine, feminine or neuter pronoun does not exclude other genders; (iii) the
24 connectives “and” and “or” should be read either disjunctively or conjunctively as
25 necessary to bring within the scope of the Subpoena all documents that might
26 otherwise be construed to be outside of its scope; (iv) the terms “any,” “all,” and
27 “each” should be read to mean any, all, each, and every; (v) the word “including”
28 should be read to mean including without limitation; (vi) the present tense should be

1 construed to include the past tense and vice versa; and (vii) references to employees,
2 officers, directors, or agents include both current and former employees, officers,
3 directors, and agents.

4 13. Defendant makes these Requests without waiver of, but instead
5 expressly reserving, all defenses it may assert in this matter, including without
6 limitation all arguments relating to market definition.

7
8 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

9
10 **REQUEST FOR PRODUCTION NO. 1**

11 Any and all documents that refer or relate to compensation or invoices for
12 Report or related work.

13
14 **REQUEST FOR PRODUCTION NO. 2**

15 Any and all documents identifying facts or data that Unsworth or his
16 attorney(s) provided and that you considered in forming the opinions to be
17 expressed and/or the opinions, conclusions, and statements in your report.

18
19 **REQUEST FOR PRODUCTION NO. 3**

20 Any and all documents identifying assumptions that Unsworth or his
21 attorney(s) provided and that you relied on in forming the opinions to be expressed
22 and/or the opinions, conclusions, and statements in your report.

23
24 **REQUEST FOR PRODUCTION NO. 4**

25 Any and all documents that you relied on in formulating your opinions,
26 conclusions, and statements in your report.

1 **REQUEST FOR PRODUCTION NO. 5**

2 Any and all documents that refer or relate to the cost figures and estimates
3 provided in your Report, including the basis for those figures and estimates.
4

5 **REQUEST FOR PRODUCTION NO. 6**

6 Any and all documents constituting reputation recovery programs, as so
7 identified on page 25 of your Report, that you or Englander Knabe & Allen have
8 performed in the last ten years.
9

10 **REQUEST FOR PRODUCTION NO. 7**

11 Any and all documents that refer or relate to the cost, scope, results, or client
12 feedback from the reputation recovery programs, as so identified on page 25 of your
13 Report, that you or Englander Knabe & Allen have performed in the last ten years.
14

15 **REQUEST FOR PRODUCTION NO. 8**

16 Any and all reports, statements, or declarations that you prepared as an expert
17 witness in other litigation, including but not limited to reports, statements, or
18 declarations prepared by you in *Rhonda Holmes v. Courtney Love*, *Jacob Haiavy v.*
19 *Theodora "April" Morris*, *Dr. Jose Lopez v. Healthcare Group and OptumRx*, *Dr.*
20 *Henry Higgins & Dr. Nathaniel v. Dr. Rena Salyer*, *Carter v. Louisiana Pacific*
21 *Corporation*, *CMFG Life Insurance Company et al. v. Banc Insurance Agency, Inc.*,
22 *Johnney Bennerson vs. Shelley Stevens*, *Steven Krawatsky et al. v. Rachel Avrunin et*
23 *al.*, *Tammy Na vs. Joo Chan Kim*, *McGlothlin v. Hennelly*, *Gish v. Le Sage*.
24

25 **REQUEST FOR PRODUCTION NO. 9**

26 Any and all transcripts and/or recordings of testimony, including deposition,
27 hearing, and trial testimony, that you gave as an expert witness in other litigation,
28 including but not limited to transcripts and/or recordings of testimony gave by you

1 in *Rhonda Holmes v. Courtney Love*, *Jacob Haiavy v. Theodora “April” Morris*,
2 *Dr. Jose Lopez v. Healthcare Group and OptumRx*, *Dr. Henry Higgins & Dr.*
3 *Nathaniel v. Dr. Rena Salyer*, *Carter v. Louisiana Pacific Corporation*, *CMFG Life*
4 *Insurance Company et al. v. Banc Insurance Agency, Inc.*, *Johnney Bennerson vs.*
5 *Shelley Stevens*, *Steven Krawatsky et al. v. Rachel Avrunin et al.*, *Tammy Na vs. Joo*
6 *Chan Kim*, *McGlothlin v. Hennelly*, *Gish v. Le Sage*.

7
8 **REQUEST FOR PRODUCTION NO. 10**

9 Any and all documents constituting publications authored or edited by you
10 that refer or relate to public relations, crisis management, reputation, imaging,
11 branding, social media, and/or defamation.

SCHEDULE B

Quinn Emanuel Urquhart & Sullivan, LLP
Michael T. Lifrak
MichaelT.Lifrak@quinnemanuel.com
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
213-443-3000

EXHIBIT 5

The BuzzFeed News Standards And Ethics Guide

We published this guide to keep BuzzFeed News writers, reporters, and editors accountable to our readers.

Originally posted on January 30, 2015, at 2:58 p.m.

Updated on January 5, 2018, at 9:02 a.m.

[Be one of the first to comment](#)



Shani O. Hilton

BuzzFeed Head of US News



Standards and Ethics Guide

BuzzFeed News has the opportunity to help shape a new set of standards for a new generation of media. We are offering these standards to our staffers and to our readers as a first attempt at articulating the goal of merging the best of traditional media's values with deep shifts in the forms of media and communication. Our intent with this document is to provide context and support for BuzzFeed News staffers in making smart, responsible, and ethical choices as we tell the most honest, troublemaking, revelatory, heartwarming, gripping, and entertaining stories we can.

These standards were shaped in conversations with our writers and editors and colleagues in the industry, and we expect them to evolve as they're tested. BuzzFeed News is still growing up too, and these are aimed at helping us on our way, and at reflecting the kind of media company we want to be. We are making this document public to keep BuzzFeed News' writers, reporters, and editors accountable to our readers.

The document is separated into four sections: 1) Sourcing, 2) Corrections, Updates, Deletions, and Errors, 3) Legal and Ethics, and 4) The Editorial and Business Relationship. The guidelines in this document apply to BuzzFeed's global news operation for entertainment content.

Finally, this guide is intended to provide principles rather than offer specific answers to every possible ethical question that arises. Writers and editors make tough editorial decisions every day, and the hardest and most important calls rarely have obvious answers.



Sourcing

Embeds

We often embed Instagram images and tweets in news and entertainment. But in the case of sensitive subjects — sexual assault, LGBT issues, and racial bias, for example — we should be aware and respectful of the fact that many ostensibly public Twitter users consider themselves part of distinct communities. *Outside of breaking news situations*, writers are encouraged to contact Instagram and Twitter users when embedding a photo or a tweet on a sensitive subject. Contacting the user has the added benefit of giving the story more context for the reader. In cases where identifying the user is inappropriate but the content is still newsworthy, screenshots with the name and image blurred are fine.

Fact-Checking

Fact-checking can be provided for deep narrative features and investigative projects. Reporters are expected to be accurate, and editors are expected to flag any questions they have for their writers before publishing. Additional accurate information can always be added after publishing — removing bad information is more difficult (see Corrections and Updates for more information).

Information and Facts

Information — excluding common knowledge — should come from a verified source. Wikipedia, IMDb, and other websites that anyone can edit should never be used as sources in a story; they are places to begin research, not to finish it. Acceptable verified sources include interviews, legal documents, research by experts, academic journals, databases, and, with attribution, stories from trusted news organizations.

Plagiarism

To plagiarize is to trick the reader. Nothing may be copied, pasted, and passed off as one's own work, including press releases.

Polls and Other Studies

When considering reporting on a study or poll, ask these questions: Have the authors included a detailed methodology? How many people did they study? (For most studies, be skeptical of anything below 100; for polls, anything below 1,000.) Do the authors have any conflicts of interest? For medical studies: Was the study performed on humans, or other animals? (Drugs, for example, that work in mice might fail in humans.) For polls: How, precisely, were the questions worded? Never take information directly from a press release. Instead, ask the authors for a copy of the actual study or poll. When you're asking readers to vote for fun, don't suggest that results reflect a scientific sample. The data journalism team is available to assist staffers who have questions about data.

Press Releases

Reporters may quote from press releases and should make the source clear — "said in a press release." With that said: Interviews are always better.

Quotes

- *Anonymous quotes:* Anonymous quotes are permitted, though writers should always try to get a source on the record before agreeing to let them be anonymous. Staffers should spell out why their source is anonymous and include an explanatory line in the story that the reader will understand. When possible, writers should share the source's identity with their editor, unless it's a very extreme case, in which case the editor-in-chief should be consulted prior to publication. We don't have an arbitrary number of anonymous sources required to verify a story: One well-placed anonymous source is worth more than four anonymous sources who are all repeating the same rumor.

Writers should also take precautions not to reveal the identity of confidential sources, including avoiding putting a source's name in writing on unsecured channels.

- *Attribution:* All quotes are to be attributed. Quotes that have been given directly to a BuzzFeed News staffer should be noted as such by using the words "told BuzzFeed News" (or in some cases, "BuzzFeed Health" or "BuzzFeed Reader") at least once in the story. Quotes from other outlets should be attributed to that outlet: "told the Guardian," etc., with a link to the article. Quotes that come from the wire services we subscribe to should also be attributed: "told the Associated Press" or "the Associated Press reported."

- *Quote approval:* As a general rule, BuzzFeed writers are not permitted to have quotes approved by sources or share story drafts with their subjects. As a courtesy, or to double-check their work, a writer may choose to call or email a source and describe how they are quoted in a story. "No surprises" letters are also a welcome way of letting sources and subjects know what will be in a story: Sending a note to the subject that includes allegations or a description of what will be published is a reporting tool that also acts as a safeguard for the reporter. There are rare exceptions to the quote-approval rule, particularly in countries where that practice is the norm — but writers should push back as a first response, and discuss with an editor before agreeing.

- *Quote disputes:* If a source disputes a quote as published, the writer and their editor may review the writer's notes and recordings to determine if the complaint is warranted. If warranted, the quote will be updated and a correction issued. If a source disputes the way their position was characterized, rather than a specific quote, an editor should determine whether the complaint is valid.



Corrections, Updates, Deletions, and Errors

Body Copy

Changes to body copy may require a notification to the reader via an update or correction. Stories that are ongoing with breaking news can be updated with information as it becomes available — by using either subheads with a manual timestamp or the breaking news template with an automatic timestamp to alert the reader to updates.

Corrections and Updates

There are a number of ways to add updates for clarity and context to written news articles: using the update option in the CMS, writing through the body copy with the additional information, or adding the latest news to the top of the post. Consult with your editor to choose the best option.

Fixing incorrect copy should be done using the correction subbuzz. For full information on how and when to write corrections or updates, see the [BuzzFeed Style Guide](#). Corrections are flagged to the copydesk; if you have questions on wording or styling, email (or walk over and visit!) them for guidance.

Distributed platforms will not always offer these tools for corrections, but we should strive for clarity and transparency in the spirit of these rules, given the options the platform makes available.

Deletions

News items should not be deleted for reasons related to their content, or because a subject or stakeholder has asked you to do so. If a technical issue arises — like a picture won't load or an incorrect URL — email bugs@buzzfeed.com. If a post was published ahead of schedule, remove it from all site promotion and ask bugs to unpublish it for you. If two people inadvertently created a post on the same subject, both posts should be left on the site.

If some information in a post is incorrect or obsolete, it is acceptable to delete that information and add a brief correction or update explaining what was removed.

Getting hoaxed should be avoided through diligence and reporting, but if an entire post is incorrect or if it has turned out to be a hoax, 1) append “— Updated” to the end of the headline and note in the deck that the story is false, and 2) add a correction subbuzz to the top of the post. The rest of the copy may stand as it did originally.

There are two cases in which deletions may be necessary: First, on some distributed platforms, editing content is not an option, in which case content may be deleted and in some cases edited and reposted, with an explanation on that platform in either case. Second, in some countries, the law requires the deletion of content in some cases. In those cases, we will comply with local law.

The deletion process for Community posts differs from editorial standards. For more information, review our [Community Guidelines](#) and [Terms of Service](#).

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Updating display copy — headlines, decks, and photo captions — for clarity, spelling, or style does not require a correction. Factual errors do require a correction.

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For information on updating images, contact the photo desk.

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We firmly believe that for a number of issues, including civil rights, women's rights, anti-racism, and LGBT equality, there are not two sides. But when it comes to activism, BuzzFeed editorial must follow the lead of our editors and reporters who come out of a tradition of rigorous, neutral journalism that puts facts and news first. If we don't, it makes it harder for those reporters to do their jobs.

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Awards

We are pleased when our colleagues' work is honored by their peers, and we apply for leading journalism awards. We do not apply for or accept awards from advocacy organizations we cover, and staffers should not apply for those awards — though if anyone chooses to call attention to or honor our work, we welcome it. If you wish to submit your work for an award independently, talk to your manager about it.

Compensating Sources

We do not pay sources for interviews. If an interview incurs costs to a source through travel or work compensation lost, we may be able to reimburse them, but check with your editor before agreeing to do so.

Conflict of Interest and Disclosure

If you're asking yourself, "Is this a conflict of interest?" it likely is. Readers are also a good barometer for this; take a moment to consider whether the reader would see a conflict of interest. Writers and editors should disclose if they have a financial or personal stake — Is the subject a friend or significant other? Have you disclosed this? — in the issue they are covering. Reporters should not have a financial stake in a company in the industry they cover. Check with your editor about whether disclosure is enough, or whether the story should be reassigned.

Customer Service Complaints

Reporters and editors should not use their work-related email accounts, social media accounts, or other BuzzFeed-related platforms to seek customer service assistance. It's fine, however, to tweet in general about issues with, say, the subways or other private or public services, as long as you aren't seeking — or receiving — special treatment. For example:

Okay: "The face unlock on my new iPhone X never works."

"The seats on @FlyFrontier Airlines are too close together for normal human legs."

Not okay: "@apple, I can't get face unlock working on my iPhone X. Little help?"

"@frontiercares I paid for extra legroom but my knees are *completely* jammed up against the seat in front of me."

Disclosing Provided Materials

We should note when items such as clothing or appliances have been furnished to us for review. When an item or items was/were provided and used in the test kitchen or as part of a photo shoot, but not reviewed, writers should disclose that at the bottom of the post.

Gifts

Gifts that aren't review material (books, music, DVDs) or edible typically should be returned or donated. A rough guide — though imperfect — for determining if you can keep a gift is whether the item costs \$25 or less. If it costs more than \$25, talk to your editor.

Graphic Content

While it ultimately comes down to the calls of the newsroom managers on duty, we concluded that BuzzFeed.com is not an artificial wall between our readers and graphic content. Generally speaking, we will embed or link to the graphic content we are writing about. On our owned-and-operated platforms, we also have technical tools that give our readers the opportunity to opt in to view graphic content. Marking a post NSFW in the CMS prevents it from going into our 13+ BuzzFeed app.

- *Profanity*: We speak the language of the internet — which is often hilarious and often profane. As such, profanity is permitted on BuzzFeed; but see the BuzzFeed Style Guide for more information on how to style it responsibly.
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- *Violence*: Images that show blood, gore, or violent abuse should be covered with the graphic overlay tool, allowing readers to click if they wish to see the images. These posts should be marked "sensitive" in the CMS. When covering extreme violence or death, use discretion when embedding — sometimes it's best to link out.

If you have questions about whether you should post something because of its graphic nature, talk to your editor and/or the manager on duty.

Interviews

Giving a subject a general sense of the direction of the interview is fine, but we should decline to provide questions to subjects in advance of an in-person interview. Interviews conducted over email, Facebook Messenger, or Gchat are permitted — but in-person, video, and telephone interviews are often more valuable.

Opinion

When BuzzFeed News publishes opinion pieces, they should be clearly labeled as opinion, both on the article page and in any social promotion. Our publication of these pieces does not mean an endorsement of the views contained within them. However, we seek to publish only opinion pieces that we believe were written in good faith, by people who we believe have a credible history of good-faith participation in the public sphere, and add a unique voice to the public debate around a topic of news value.

Our opinion section welcomes commentary from people with diverse political views, but it is not a place for trolls, dishonesty, or spin.

Outside Income

BuzzFeed News staffers who make money for work done outside of the company should disclose that information when they are hired. We discourage most freelance writing because we love your work and would like to publish the best things you write on BuzzFeed, but there are occasional exceptions. If you're doing something BuzzFeed would publish — pretty much anything but a novel or a screenplay — we'd like to run it. Please consult your manager if you think we should make an exception, and we'll consider it on a case-by-case basis.

We try to accommodate all book deals and will in most cases offer up to six months of unpaid book leave. If you're thinking of writing a book, please consult your manager first. Contract work and paid speaking engagements will be considered on a case-by-case basis and should

Staffers are also not permitted to invest in companies they cover. BuzzFeed News staff may not buy, sell, or in any way trade in stocks based on stories BuzzFeed News will publish. Staffers may not short any stocks.

Photography

Our original photography and image selection should not attempt to deceive the reader in any way. Subjects should be shown in the reality of the moment they are captured in. Materially manipulating images — such as reversing, distorting, or adding/removing people — is not allowed except in the cases of creating a photo illustration, which the caption will note. Minor adjustments to cropping, color, sharpening, etc., that do not materially change the photograph are permissible.

Political Speech

Reporters and editors should refrain from expressing partisan opinions about candidates, policy, and other public issues that BuzzFeed News covers. News staffers are not permitted to donate money or volunteer time for political candidates or campaigns, or to participate in demonstrations.

We do, however, expect reporters to engage in conversations on social media, legacy media, events, and street corners on subjects in which they have expertise or interest. In all those contexts, reporters should avoid saying things they wouldn't say in a news article or broadcast — that is, statements they can't back with reporting. And reporters should generally consider the value of commentary that may make their colleagues' work harder on specific beats. (Culture writers, whose work may be more overtly political or opinionated, should hold their comments to the same standards they do in their work.)

Privacy

Digital media — the ubiquity of recording, the vast quantity of speech on social media, the power of search — has changed how regular people think about the principles of free speech. We believe deeply in those principles and in our right to report public information. But we also believe journalists must adjust to changing norms, and focus on defending and defining the right to reveal the secrets that matter.

We expect our reporters to consider context in three categories of privacy decisions, and to be particularly sensitive when it comes to minors:

- *Search engine indexing:* In some cases, we may identify a person by a version of their name other than the one that is widely used in searches, or anonymize them entirely, if it can be done in a way that does not substantially distort the reporting and may protect that person from having, for instance, the worst day of their life perpetually define their online identity.
- *Social media:* We should be attentive to the intended audience for a social media post, and whether vastly increasing that audience reveals an important story — or just shames or embarrasses a random person. We should not automatically or even typically comply with a poster's original intention — but we should be aware of it.

Products

BuzzFeed News writers can accept and may request samples of consumer products for evaluation or for photo shoots (as props or construction material). These materials should stay at the office or at BuzzFeed's photo studios.

BuzzFeed News staffers should request media that they are potentially interested in writing about (books, screeners, albums, etc.). Physical materials are often provided for review purposes, like concert tickets, DVD screeners, etc.

Pseudonyms

Freelancers and regular contributors should write under their own names or their professional pen names. We may make occasional exceptions for freelancers writing on important but sensitive topics, or for correspondents working on countries where journalism is dangerous or illegal. If you don't feel comfortable publishing under your own name, there are likely problems with the story that need to be addressed.

Selfies

Selfies are fantastic and you should take them as often as possible with friends and loved ones. But BuzzFeed News reporters should use good judgment when taking images with their subjects. Ultimately, all staffers should answer this question when it comes to photographs: "Would taking a photo with this subject undermine the work I'm doing?"

Source Meetings Over Meals or Drinks

BuzzFeed staffers should seek to pay costs incurred over the course of an interview or source meeting over a meal or drink.

Travel, Junkets, and Set Visits

We are happy that we are able to send staffers to report and cover events. If there is a journalistic reason for a BuzzFeed News reporter to accept travel and/or lodging provided for or arranged by a source, BuzzFeed News will reimburse the source with an amount equivalent to what we would have paid for commercial travel. Where this isn't feasible, we will disclose where we've accepted travel or lodging.

The Editorial and Business Relationship

BuzzFeed News relies deeply on the trust of our readers that we are bringing them accurate reporting, great storytelling, and useful service — and so we maintain a strict and traditional separation between advertising and editorial content.

Ad Campaigns

We don't write about ads that are running on BuzzFeed unless they are genuinely newsworthy.

BuzzFeed Entertainment Group

As BuzzFeed expands, we're going to be in more situations where BuzzFeed News is covering projects of people who have an affiliation with BuzzFeed Entertainment Group or other aspects of the company. When we're writing about someone who is affiliated with BFEG in any capacity, we should disclose that relationship.

This should be done in italics at the bottom of a post in the following way:

Case 2:18-cv-08048-SVW-JC Document 100-1 Filed 11/08/19 Page 310 of 327 Page ID
#3202
Disclosure: *[Name] is an adviser [or another title] to the BuzzFeed Entertainment Group, which is part of the same company as BuzzFeed News.*

BuzzFeed Investors

Our investors have no influence on our reporting, and reporters should not take any special note of investors' views or interests. When we cover people who are investors in BuzzFeed, typically it is because of their other business interests. Editors, not reporters, are responsible for noting whether a subject is an investor. In those cases, we should disclose that relationship with a parenthetical sentence in the running text after mentioning their name: "*[[Name/company] is an investor in BuzzFeed.]*"

Cross-BuzzFeed Collaboration

BuzzFeed News maintains a divide between advertising and editorial staff. However, management-level editorial employees may be asked to vet certain sponsorships or projects. Some forms of advertising — including video integrations and advertisements in podcasts — may also involve staffers' participation in a clearly disclosed form.

Distribution Partners

BuzzFeed has business relationships with platforms ranging from social networks to television channels, under which BuzzFeed is paid for content, shares in advertising revenue against that content, or has some other arrangement. BuzzFeed News staffers should disclose these distribution relationships when we are writing about the specific product or program involved in the relationship. For instance, we should disclose that BuzzFeed has a Snapchat Discover channel when we are writing about Snapchat Discover as a product, or about Snapchat's strategy around media partnerships. It is not necessary to disclose this relationship at every mention of the partner. Editors, not reporters, are responsible for noting whether a subject is a partner.

UPDATE

December 31, 1969, at 7:00 p.m.

This post now includes updated guidelines on customer service complaints, fundraising, and political speech, as well as new guidelines on privacy and opinion.

Shani Hilton is the VP of news and programming for BuzzFeed News and is based in New York.
Contact Shani O. Hilton at shani.hilton@buzzfeed.com.

Got a confidential tip? [Submit it here](#).

Create your own post!

This post was created by a member of the [BuzzFeed Community](#). You can join and make your own posts and quizzes.

News moves fast. Keep up with the BuzzFeed News daily email!

Your email address

[Sign up](#)

EXHIBIT 6

The BuzzFeed News Standards And Ethics Guide

We published this guide to keep BuzzFeed News writers, reporters, and editors accountable to our readers.



Shani O. Hilton
BuzzFeed Head of US News

Last updated on September 12, 2019, at 6:58 p.m. ET
Posted on January 30, 2015, at 2:58 p.m. ET



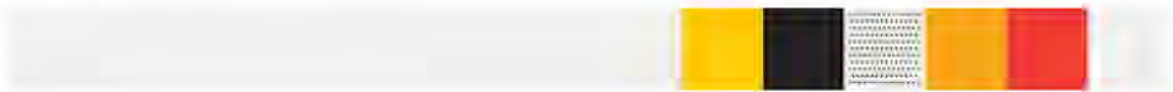
BuzzFeed News

BuzzFeed News has the opportunity to help shape a new set of standards for a new generation of media. We are offering these standards to our staffers and to our readers as a first attempt at articulating the goal of merging the best of traditional media's values with deep shifts in the forms of media and communication. Our intent with this document is to provide context and support for BuzzFeed News staffers in making smart, responsible, and ethical choices as we tell the most honest, troublemaking, revelatory, heartwarming, gripping, and entertaining stories we can.

These standards were shaped in conversations with our writers and editors and colleagues in the industry, and we expect them to evolve as they're tested. BuzzFeed News is still growing up too, and these are aimed at helping us on our way, and at reflecting the kind of media company we want to be. We are making this document public to keep BuzzFeed News' writers, reporters, and editors accountable to our readers.

The document is separated into four sections: 1) Sourcing, 2) Corrections, Updates, Deletions, and Errors, 3) Legal and Ethics, and 4) The Editorial and Business Relationship. The guidelines in this document apply to BuzzFeed's global news operation for entertainment content.

Finally, this guide is intended to provide principles rather than offer specific answers to every possible ethical question that arises. Writers and editors make tough editorial decisions every day, and the hardest and most important calls rarely have obvious answers.



Sourcing

Embeds

We often embed Instagram images and tweets in news and entertainment. But in the case of sensitive subjects — sexual assault, LGBT issues, and racial bias, for example — we should be aware and respectful of the fact that many ostensibly public Twitter users consider themselves part of distinct communities. *Outside of breaking news situations*, writers are encouraged to contact Instagram and Twitter users when embedding a photo or a tweet on a sensitive subject. Contacting the user has the added benefit of giving the story more context for the reader. In cases where identifying the user is inappropriate but the content is still newsworthy, screenshots with the name and image blurred are fine.

Fact-Checking

Fact-checking can be provided for deep narrative features and investigative projects. Reporters are expected to be accurate, and editors are expected to flag any questions they have for their writers before publishing. Additional accurate

information can always be added after publishing — removing bad information is more difficult (see Corrections and Updates for more information).

Information and Facts

Information — excluding common knowledge — should come from a verified source. Wikipedia, IMDb, and other websites that anyone can edit should never be used as sources in a story; they are places to begin research, not to finish it. Acceptable verified sources include interviews, legal documents, research by experts, academic journals, databases, and, with attribution, stories from trusted news organizations.

Plagiarism

To plagiarize is to trick the reader. Nothing may be copied, pasted, and passed off as one's own work, including press releases.

Polls and Other Studies

When considering reporting on a study or poll, ask these questions: Have the authors included a detailed methodology? How many people did they study? (For most studies, be skeptical of anything below 100; for polls, anything below 1,000.) Do the authors have any conflicts of interest? For medical studies: Was the study performed on humans, or other animals? (Drugs, for example, that work in mice might fail in humans.) For polls: How, precisely, were the questions worded? Never take information directly from a press release. Instead, ask the authors for a copy of the actual study or poll. When you're asking readers to vote for fun, don't suggest that results reflect a scientific sample. The data journalism team is available to assist staffers who have questions about data.

Press Releases

Reporters may quote from press releases and should make the source clear — "said in a press release." With that said: Interviews are always better.

Quotes

- *Anonymous quotes:* Interviews are always on the record until a reporter agrees to go off the record or on background. Anonymous quotes are permitted, though writers should always try to get a source on the record before agreeing to let

them be anonymous. Staffers should spell out why their source is anonymous and include an explanatory line in the story that the reader will understand. When possible, writers should share the source's identity with their editor, unless it's a very extreme case, in which case the editor-in-chief should be consulted prior to publication. We don't have an arbitrary number of anonymous sources required to verify a story: One well-placed anonymous source is worth more than four anonymous sources who are all repeating the same rumor.

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Fundraising

Reporters and editors should not fundraise for organizations BuzzFeed News covers, with the exception of professional groups and organizations primarily advocating the defense of a free press. Reporters shouldn't give money to groups they cover. And while there is of course no reason not to give charitable contributions, staffers should obviously be aware that those may not remain private.

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permitted — but in-person, video, and telephone interviews are often more valuable.

Mass Shootings

Do not be gratuitous with a shooter's name, photo, and video in posts, headlines, thumbnails and social shares, and on platforms; because it exists doesn't mean we automatically run it. Don't censor the facts/news when naming a shooter, or using a photo, or discussing the motive when it is necessary in the moment and during follow-up reporting. Use judgment each time.

Opinion

When BuzzFeed News publishes opinion pieces, they should be clearly labeled as opinion, both on the article page and in any social promotion. Our publication of these pieces does not mean an endorsement of the views contained within them. However, we seek to publish only opinion pieces that we believe were written in good faith, by people who we believe have a credible history of good-faith participation in the public sphere, and add a unique voice to the public debate around a topic of news value.

Our opinion section welcomes commentary from people with diverse political views, but it is not a place for trolls, dishonesty, or spin.

Outside Income

BuzzFeed News staffers who make money for work done outside of the company should disclose that information when they are hired. We discourage most freelance writing because we love your work and would like to publish the best things you write on BuzzFeed, but there are occasional exceptions. If you're doing something BuzzFeed would publish — pretty much anything but a novel or a screenplay — we'd like to run it. Please consult your manager if you think we should make an exception, and we'll consider it on a case-by-case basis.

We try to accommodate all book deals and will in most cases offer up to six months of unpaid book leave. If you're thinking of writing a book, please consult your manager first. Contract work and paid speaking engagements will be considered on a case-by-case basis and should also be cleared with your manager and PR. Staffers who do outside work related to the field they cover should adhere to the ethical guidelines set forth in this document for their personal

work as well. If a staffer is making outside income from a specific company, that staffer is not permitted to write about that company.

BuzzFeed News staffers should not cover any individual, organization, or service in which they have a financial interest. Staffers are not permitted to invest in companies they cover. Staff may not buy, sell, or in any way trade in stocks, funds, or currencies based on stories BuzzFeed News will publish. Staffers may not short any financial instruments.

Photography

Our original photography and image selection should not attempt to deceive the reader in any way. Subjects should be shown in the reality of the moment they are captured in. Materially manipulating images — such as reversing, distorting, or adding/removing people — is not allowed except in the cases of creating a photo illustration, which the caption will note. Minor adjustments to cropping, color, sharpening, etc., that do not materially change the photograph are permissible.

Political Speech

Reporters and editors should refrain from expressing partisan opinions about candidates, policy, and other public issues that BuzzFeed News covers. News staffers are not permitted to donate money or volunteer time for political candidates or campaigns, or to participate in demonstrations.

We do, however, expect reporters to engage in conversations on social media, legacy media, events, and street corners on subjects in which they have expertise or interest. In all those contexts, reporters should avoid saying things they wouldn't say in a news article or broadcast — that is, statements they can't back with reporting. And reporters should generally consider the value of commentary that may make their colleagues' work harder on specific beats. (Culture writers, whose work may be more overtly political or opinionated, should hold their comments to the same standards they do in their work.)

Privacy

Digital media — the ubiquity of recording, the vast quantity of speech on social media, the power of search — has changed how regular people think about the principles of free speech. We believe deeply in those principles and in our right

to report public information. But we also believe journalists must adjust to changing norms, and focus on defending and defining the right to reveal the secrets that matter.

We expect our reporters to consider context in three categories of privacy decisions, and to be particularly sensitive when it comes to minors:

- *Search engine indexing*: In some cases, we may identify a person by a version of their name other than the one that is widely used in searches, or anonymize them entirely, if it can be done in a way that does not substantially distort the reporting and may protect that person from having, for instance, the worst day of their life perpetually define their online identity.
- *Social media*: We should be attentive to the intended audience for a social media post, and whether vastly increasing that audience reveals an important story — or just shames or embarrasses a random person. We should not automatically or even typically comply with a poster's original intention — but we should be aware of it.
- *Hacked material*: We should be particularly attentive with hacked material to treat the intention of the hacker as a major part of the story, and to maintain a high bar for news value and context of potentially embarrassing personal information that is being weaponized.

Products

BuzzFeed News writers can accept and may request samples of consumer products for evaluation or for photo shoots (as props or construction material). These materials should stay at the office or at BuzzFeed's photo studios.

BuzzFeed News staffers should request media that they are potentially interested in writing about (books, screeners, albums, etc.). Physical materials are often provided for review purposes, like concert tickets, DVD screeners, etc.

Pseudonyms

Freelancers and regular contributors should write under their own names or their professional pen names. We may make occasional exceptions for freelancers writing on important but sensitive topics, or for correspondents working on countries where journalism is dangerous or illegal. If you don't feel

comfortable publishing under your own name, there are likely problems with the story that need to be addressed.

Selfies

Selfies are fantastic and you should take them as often as possible with friends and loved ones. But BuzzFeed News reporters should use good judgment when taking images with their subjects. Ultimately, all staffers should answer this question when it comes to photographs: “Would taking a photo with this subject undermine the work I’m doing?”

Source Meetings Over Meals or Drinks

BuzzFeed staffers should seek to pay costs incurred over the course of an interview or source meeting over a meal or drink.

Travel, Junkets, and Set Visits

We are happy that we are able to send staffers to report and cover events. If there is a journalistic reason for a BuzzFeed News reporter to accept travel and/or lodging provided for or arranged by a source, BuzzFeed News will reimburse the source with an amount equivalent to what we would have paid for commercial travel. Where this isn’t feasible, we will disclose where we’ve accepted travel or lodging.

The Editorial and Business Relationship

BuzzFeed News relies deeply on the trust of our readers that we are bringing them accurate reporting, great storytelling, and useful service — and so we maintain a strict and traditional separation between advertising and editorial content.

Ad Campaigns

We don't write about ads that are running on BuzzFeed unless they are genuinely newsworthy.

BF.com (BFDC)

As BuzzFeed expands, we're going to be in more situations where BuzzFeed News is covering projects of people who have an affiliation with BuzzFeed.com or other aspects of the company. When we're writing about someone who is affiliated with BFDC in any capacity, we should disclose that relationship.

This should be done in italics at the bottom of a post in the following way:

Disclosure: [Name] is an adviser [or another title] to BuzzFeed.com, which is part of the same company as BuzzFeed News.

BuzzFeed Investors

Our investors have no influence on our reporting, and reporters should not take any special note of investors' views or interests. When we cover people who are investors in BuzzFeed, typically it is because of their other business interests. Editors, not reporters, are responsible for noting whether a subject is an investor. In those cases, we should disclose that relationship with a parenthetical sentence in the running text after mentioning their name: "*([Name/company] is an investor in BuzzFeed.)*"

Cross-BuzzFeed Collaboration

BuzzFeed News maintains a divide between advertising and editorial staff. However, management-level editorial employees may be asked to vet certain sponsorships or projects. Some forms of advertising — including video integrations and advertisements in podcasts — may also involve staffers' participation in a clearly disclosed form.

Distribution Partners

BuzzFeed has business relationships with platforms ranging from social networks to television channels, under which BuzzFeed is paid for content, shares in advertising revenue against that content, or has some other arrangement. BuzzFeed News staffers should disclose these distribution relationships when we are writing about the specific product or program

involved in the relationship. For instance, we should disclose that BuzzFeed has a Snapchat Discover channel when we are writing about Snapchat Discover as a product, or about Snapchat's strategy around media partnerships. It is not necessary to disclose this relationship at every mention of the partner. Editors, not reporters, are responsible for noting whether a subject is a partner.

UPDATE

November 2, 2018, at 11:36 a.m.

This post now includes guidelines on covering mass shootings, as well as updated guidelines on outside income and sourcing.

UPDATE

January 5, 2018, at 6:02 a.m.

This post now includes updated guidelines on customer service complaints, fundraising, and political speech, as well as new guidelines on privacy and opinion.



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Got a confidential tip? [Submit it here](#).